

SUNAPEE BOARD OF SELECTMEN
MEETING

7:00PM Town Office Meeting Room

Monday, December 12, 2022

Present: Vice-Chairman Suzanne Gottling, Selectman Jeremy Hathorn, Selectmen Carol Wallace, Shannon Martinez-Town Manager, Allyson Traeger-Executive Assistant, Frank O'Connor-Interim Finance Director.

1. REVIEW OF ITEMS FOR SIGNATURE:

INTENT TO CUT:

Parcel ID: 0231-0042-0000 & 0231-0043-0000 Pine Ridge Road, Nichole and John Cassidy

Motion to approve INTENT TO CUT by Selectman Hathorn seconded by Selectman Wallace. All voted in favor.

PERMIT TO EXCAVATE:

Grandliden Rd/Jobs Creek Rd - Pole# 4X/32 to 40/83 - Public Service Co. of NH D/B/A Eversource Energy.

Motion to approve PERMIT TO EXCAVATE by Selectman Wallace seconded by Selectman Hathorn. All voted in favor.

John Avery Ln - New Line Construction for Load Growth - Public Service Co. of NH D/B/A Eversource Energy.

Motion to approve PERMIT TO EXCAVATE by Selectman Wallace seconded by Selectman Hathorn. All voted in favor.

2. APPOINTMENTS

- 7:10PM Septic Ordinance Presentation – Doug Gamsby & LSPA

Doug Gamsby and Elizabeth Harper presented the proposals.

Elizabeth Harper said that this was a collaboration, Town Manager Martinez reached out to them because of some issues with the septic system and concerns about potentially failing septic system that were impacting water quality. They did some background research to see if they could better understand what policies exist in other towns in NH and other states and try to deal with this issue and what they might recommend. At the state level, if there are failing septic systems that are leeching effluent into ground water, drinking water, lakes and rivers, then people are required by the state to fix those, but that happens after the fact. What they are looking for were some solutions that might prevent that from happening, reduce and eliminate septic effluent getting into lakes and rivers. In general, what is recommended is that the septic systems would be pumped every three years and so, the rules that they would propose would be to require the septic systems to be pumped every three years.

Mr. Gamsby presented that what they are trying to do is protect the water quality of all the waterbodies in town. Nitrate and phosphates are a very big issue in all lakes and a lot of that comes from failed septic systems. That is the primary issue that they are dealing with all the waterbodies in town. RSA 147:10 states that the health officer with approval of the Board of

Selectmen can make rules, adopt regulation that ensure wastewater disposal shall not be a nuisance or injurious. Other proposal was the grease trap installment for every place that prepares food within 250-foot section of the lakes and all the places to have grease traps pumped as necessary minimum of once a year.

Vice-Chairman Gottling asked what is the procedure with the grease that is getting pumped, where do they dispose it.

Mr. Gamsby replied that from what he knows, they have special receptacles that bring specifically grease to the plant, and that could be taken to the sludge holding area and stored there and then run into the drier to get it to the bottom.

Selectmen Wallace said that she is very much in support of ensuring that the quality of the lake stays wonderful. She asked are there still existing cisterns or cesspools. How would they identify those and what would they do with cases when they do not have them as a secondary, where they have septic systems.

Mr. Gamsby replied that he believes they are in place but does not know for sure. They would have to get a list of every property in the shorelands and the aquifer zones and search to see who has standard septic approvals, who does not have standard septic approvals and who maybe is on some other system, maybe cesspool. Anything that does not fall within those categories would have to be checked what do they have.

Vice-Chairman Gottling asked what is the approximate cost or range of the cost for a homeowner to do the process of pumping.

Mr. Gamsby replied that it is between \$200-500.

Selectman Hathorn asked how are they going to enforce it. He said that they mentioned that 40% of the people in town have their own septic tanks and asked do they know what percentage fall into the bucket of the 250-feet from the shoreline.

Mr. Gamsby replied that is when the town comes in, but he does not want to make it some sort of financial enforcement. One of the ideas is that after three years if somebody has not pumped the system, they would send a letter saying that by town rule they have to get their septic tank pumped every three years and give them three months to do it. After that they would have a code enforcement to check the level. He said he does not have the number.

Town Manager Martinez read the question from Zoom that asked are the islands on the waterbodies included and if outhouses are still allowed in the town.

Mr. Gamsby replied affirmative about the houses and about the islands he said that if they have running water they are allowed.

Selectmen Wallace asked for a clarification that they would not be allowed if they were within 250 feet of the lake.

Mr. Gamsby replied affirmative and said that there was a case about ten years ago, there was a property on Perkins Pond that was just a cottage, and they did not have a running water, so they have told them that they must get hooked to the sewer because they were within the 300 feet.

You would have to go on the town's sewer if you are within 300 feet of the main.

Vice-Chairman Gottling said that she thinks there is one island in Perkins Pond.

Mr. Gamsby replied affirmative and said that he had been informed of an issue with that.

Selectmen Wallace asked if they need anything from them at this point or they are just informing them.

Mr. Gamsby replied that the rules are between all of them together and the agreement and he believes that they should have at least one public hearing or possibly two.

Vice-Chairman Gottling asked if this is making a new ordinance.

Elizabeth Harper replied that they are rules technically rather than ordinance, or a health regulation.

Charlie Hirschberg said that typically this document would get signed off by the health officer and the Board of Selectmen and then will get recorded in the register.

Mr. Gamsby also stated that one other proposal was the septic assessment requirement for the properties sold near the lake.

Selectmen Wallace asked if they need to vote from the process perspective.

Town Manager Martinez said that they need the boards blessing for them to continue to move forward and hold a public hearing and after the results of the public hearing, they would come back in front of the board and ask for formal adoption of the regulation.

Motion to support the endeavors outlined in the document by Selectman Wallace seconded by Selectman Hathorn. All voted in favor.

• 7:30PM Scott Hazelton & Innovative Surface Solutions – Pilot Study Presentation

Michael Martell said that the last time that him and Mr. Hazelton were there and talked about Innovative Surface Solutions, they have presented to them what they wanted to do, everybody seemed to be on board, but they have said that they wanted to bring company representatives here to present to everyone so they can understand the benefits that this would give the town.

Frank Beliveau Regional Manager for Innovative Surface Solutions presented the company as a large distributor of liquid deicers in North America and Eastern Canada. He said that he heard the previous presentation and the concerns about the lake and with deicers the amount of chloride that goes into the lake gets limited. They have initially started with dust control and before he gets into the product, wanted to explain how salt works. Salt is good at higher temperatures; at 23 degrees it starts losing its effectiveness. So, the tendency is to put more out. The Highway Department crew is looking to put a product on their salt that it will make it work at lower temperatures. One of the things that they strongly recommend is to train the crew as far as truck calibration, which can reduce the use of salt by 30-40%. The liquid that Mr. Martell wants to use is called Magic Minus Zero, which is basically magnesium chloride molasses that acts as natural deicer and it also keeps it from freezing. When the salt gets treated with the liquid, reduces the corrosion of the salt by 70%, so it is going to make the truck last longer. The product itself is on QPL, an independent lab that looks the products and allows them to be on the list if they are 70% less corrosive than rock salt. Magnesium portion is the workhorse of the liquid deicer, but is also certified as an organic fertilizer, environmentally friendly. Right now, Sunapee is using salt sand mixture and sand does nothing as a deicer, and it goes into the bottom of the lake and stays there for good. They obviously want to limit the amount of sand that goes into the lake. When salt is treated with magnesium chloride, the residual fact lasts longer. Magnesium chloride can also be used on gravel roads for dust control. From their standing point, their company is strongly committed in doing environmentally friendly solutions that make sense. They are not just selling a product, when you do business with them, they want their business for

ten years, they are there to support them with training, they are willing to show the highway crew how to do the truck calibration and trade them on the whole process.

Vice-Chairman Gottling asked if the road scholar program includes training for the staff and the answer was affirmative.

Selectmen Wallace asked if the application require a different truck from what the town has. She also asked if they ever had any experience with an increased roadkill of deer because they are on the road enjoying the molasses.

Mr. Beliveau answered that the process does not require anything special, they will use the same equipment as they have used so far. He said they have not experienced increased road kill.

Vice-Chairman Gottling asked if the new product will be available for people to use at the container/litter box at the transfer station.

Mr. Martell answered that the product available there will be super sand, because the new product mixed with sand would have to be covered.

Mr. Hathorn asked if the product is sticky and does it stick to vehicles.

Mr. Beliveau answered affirmative and said that because of that the amount of salt to be used is going to be reduced. Also, he said that it does not usually stick to vehicles and even if it does, it is biodegradable and washes off.

Vice-Chairman Gottling asked if they have ready supply of magnesium.

Mr. Beliveau answered affirmative.

Selectmen Wallace asked if the product comes as magnesium and chloride and they combine the two. She also asked Mr. Martell where the test road is going to be.

Mr. Beliveau answered that it comes as magnesium chloride and they blend their molasses, which is food grade molasses.

Mr. Martell answered that they have not zeroed in on that, essentially it is going to be the hills.

Elizabeth Harper said that she appreciates that the LSPA staff had a chance to sit down and discuss with Mr. Hazelton, Mr. Martell and the company representative and they were fantastic in answering all their questions.

Selectmen Wallace as a follow up asked if the product has the support of LSPA and the answer was affirmative.

3. PUBLIC COMMENTS:

- There were no public comments.

4. SELECTMEN ACTION

- Encumbrances

Town Manager Martinez explained that they want get the encumbrances in front of the board so they can get formal approval and explained each of them briefly before the board made a motion.

Motion to approve encumbering of \$10.000 for Town Clerk Tax Collector for record restoration by Selectman Hathorn seconded by Selectman Wallace. All voted in favor.

Motion to approve funding of \$17.500 for the replacement of 2-garage doors by Selectman Wallace seconded by Selectman Hathorn. All voted in favor.

Motion to approve funding for the liquid chemicals to treat salt for the Highway Department by Selectman Hathorn seconded by Selectman Wallace. All voted in favor.

Motion to approve \$12.900 required to improve the concrete pad at the Transfer Station by Selectman Wallace seconded by Selectman Hathorn. All voted in favor.

Motion to approve funding of \$6.255 for the A/C unit installation at the tele data room by Selectman Hathorn seconded by Selectman Wallace. All voted in favor.

Motion to approve \$5.285 for updating of intrusion and panic alarm system in the fire panel by Selectman Wallace seconded by Selectman Hathorn. All voted in favor.

Motion to approve \$20.000 for the fence for the Rec Department by Selectman Hathorn seconded by Selectman Wallace. All voted in favor.

Motion to approve \$5.000 for the Rec assessment by Selectman Wallace seconded by Selectman Hathorn. All voted in favor.

Motion to approve \$20.000 for the Dewey Field infield improvements by Selectman Hathorn seconded by Selectman Wallace. All voted in favor.

Motion to approve \$40.000 for new software for Planning and Zoning Boards by Selectman Wallace seconded by Selectman Hathorn. All voted in favor.

Motion to approve \$725 for policy upgrade project for Police Department by Selectman Hathorn seconded by Selectman Wallace. All voted in favor.

Motion to approve \$3.000 for Evidence Room evaluation by Selectman Wallace seconded by Selectman Hathorn. All voted in favor.

Motion to approve encumbering for the new police cruiser payment by Selectman Hathorn seconded by Selectman Wallace. All voted in favor.

Motion to approve encumbering of \$26.400 for the FY23 Clear Gov subscription by Selectman Wallace seconded by Selectman Hathorn. All voted in favor.

Vice-Chairman Gottling pointed out that these are encumbrances on already budgeted money for this year, they are not new expenditures, they have already been appropriated.

• Resignation Letter from Terry Mattson, Conservation Commission

Motion to accept the resignation letter from Terry Mattson, Conservation Commission by Selectman Wallace seconded by Selectman Hathorn. All voted in favor.

- Appointment of Ginny Gwynn, Conservation Commission

Motion to appoint Ginny Gwynn to Conservation Commission by Selectman Hathorn seconded by Selectman Wallace. All voted in favor.

- Re-Appointment of Mark Reynolds, Conservation Commission

Motion to re-appoint Mark Reynolds to Conservation Commission by Selectman Wallace seconded by Selectman Hathorn. All voted in favor.

- Street Name Application – Bell Engineering, Inc.

Motion to approve street name of Blueberry Ridge Road by Selectman Hathorn seconded by Selectman Wallace. All voted in favor.

- Finalize Warrant Articles for Budget Public Hearing

Town Manager Martinez said that they wanted to come back to the board and have them look the Warrant Articles and prioritize them but did not how they left from the last meeting if they can do that.

Vice-Chairman Gottling had felt as there is further information that were asked for, but they are very close to finalize them.

- Approve the transfer of \$18,000 from various lines to the Sick Bank

Motion to approve the transfer of \$18,000 from various lines to the Sick Bank by Selectman Wallace seconded by Selectman Hathorn. All voted in favor.

- Use of Facilities – Veterans Field – Scouts BSA Recruitment Event

Scout Master Charleen Osborne presented that one of the things that they have been working on was to getting more recognition that scouting are active in this area and of the things is having the recruitment event using the council recruitment trailer. They organize it through different games and want to use the Veterans Field for this event.

Motion to approve use of facilities – Veterans Field – Scouts BSA Recruitment Event by Selectman Hathorn seconded by Selectman Wallace. All voted in favor.

- Review and Approve Interest Payment Refund

Joshua Boone presented that the interest amount is \$170.07 and it is Mr. Durfor's second tax bill, it had come to his attention that the first tax bill was not paid for this year and after he had done some research, had found that after he asked Bank Harbor to send two checks to the town, one of the checks had not arrived and the bank shows that one of the checks is not cashed nor returned to them. Mr. Boone had gone through receipts for the first issue but could not find it. So, either it got lost in the postal system and he really hope that they did not threw it away, since they have not had anybody else with this problem, they are really careful about it. He can see that in good faith Mr. Durfor had made every effort to get the check to them, but he wanted to caution the board that if they refund the money in this instance, then what about future terms. Maybe it would be better for him to take it with Bank Harbor and make up the difference there.

Selectmen Wallace said that she would want to see if appropriate documents were in place for them to be able to execute the payment, and if they were not, then she would want them to prove it to Mr. Boone that they have had everything lined up as they should have and appropriate approvals had been given to the bank to execute on the tax bill, before they would forgive the interest.

Vice-Chairman Gottling asked to be clarified that the bank has the record of sending both checks, but they have received one and not the other.

Selectmen Wallace asked how were the checks sent and the answer was via mail.

Town Manager Martinez pointed out that they have had number of checks on their own end that they know have been sent out and they have not arrived and it continues to happen for them.

Vice-Chairman Gottling asked for clarification if they are out of any money or they just refunding the interest.

Mr. Boone clarified that Mr. Durfor had already paid the principle and it is about the interest that they would have earned had they have the money. He said Mr. Durfor should be checking his bank statements and balancing his check book as well. He had discussed it with him and told him that the issue would be discussed at this meeting and that he had said he would consider on being present to talk to the board.

Selectmen Hathorn said that he is more worried about the precedence set if they allow it.

Selectmen Wallace said that she would encourage him to go back to the bank and try to get them to take some responsibility and then come back to them.

5. TOWN MANAGER REPORTS

• Expenditure and Revenue Reports

Town Manager Martinez reported that they have not done deep dive but will do a summation at the end of the year, right now they are in line with closing the end of the year. They expect to have all of the payments up to January or early February, so they can close 2022.

Selectmen Wallace said that it is so odd that their year ends 12/31 and they do not vote the budget until March, because to her it makes no sense to have to work for a Quarter in the vacuum and then do all the readjustments of what they pay to people.

Town Manager Martinez said that they have flagged the things that they have thought needed to be flagged, in terms of transfers and the last thing to do is to make sure to finish well.

• Coalition Commission Update

Town Manager Martinez reported that with Ms. Traeger they have attended the Coalition Commission meeting and they fully anticipate needing to continue to advocate on the behalf of the larger towns, so they do not revert to the donor/receiver model. Recently, the court had allowed for their entity to have a seat at the table and they have paid for that. They are going to have to pay another \$8,000 if they want to continue to have the same attention by the lobbyist to advocate to the coalition communities to not revert to the donor/receiver model.

Mr. O'Connor reported that years ago that was this donor/receiver model. Now, based on the evaluation, the town had exceeded the calculation of the cost of advocacy considered a donor town. If they appropriate them now for \$2M vs \$1M for the advocacy calculation, that extra million does not have to be reemitted to the state and they can use it as a credit towards their

local tax appropriation. The \$8.000 that they are asking, that is 4% of the coalition communities and the total amount would \$205.000 and \$8.000 is their portion.

Town Manager Martinez said that she does not have the official invoice, but the board needs to approve the \$8.000 to ensure that they can continue to pay for the lawyer and the lobbyist. She said she will come back in front of the board with the exact amount and ask for them to approve for them to spend the money.

- NHMA Legal Files

Town Manager Martinez reported that they got them back and she had not gone through all of them but they are small folders and not much to note.

Town Manager Martinez reported that they have new microphones on their tables which would help to better capture who is talking, hopefully will be a better experience for those who are joining them either from town streams or via ZOOM. Also, hopefully will get rid of some of the problems that they have had lately with the equipment, which had caused to lose meetings or have not been able to finish minutes of meetings because of the audio difficulties. They are behind with two sets of minutes of meeting and one has to do with the sound quality and the other with the stream.

Town Manager Martinez announced that the town holiday party is on Wednesday at 4PM. It is going to be an informal party and they are going to give out service awards. She also reminded everybody of the retirement party for Ms. Vaughn on January 6.

6. CHAIRMAN'S REPORT

There were no reports from the members.

Motion to enter nonpublic at 09:28PM under RSA 91-A:3 II(c)--Matters discussed in public likely to affect reputation by Selectman Hathorn seconded by Selectman Wallace. All voted in favor.

Motion to exit nonpublic and seal the minutes at 10:13PM under RSA 91-A:3 II(c)--Matters discussed in public likely to affect reputation by Selectman Wallace seconded by Selectman Hathorn. All voted in favor.

7. UPCOMING MEETINGS:

12/13-7:00PM- Recreations Committee Meeting

12/14-5:00PM-Energy Committee Meeting

12/15-8:30AM-Coffee with the Chief

12/15-7:00PM-Abbott Library Trustees Meeting

12/20-6:30PM-Zoning Board

Meeting Adjourned 10:13PM

Respectfully submitted,

Rajmonda Selimi

SIGN-IN SHEET

BOARD OF SELECTMEN MEETING

DATE: 12/17/2022

Charleen Osborne

Erin Haskins

Buckley Rylander

284 Rt 11

Maple St

22 Gardner Bay Rd

SUNAPEE BOARD OF SELECTMEN
MEETING AGENDA

7:00PM Town Office Meeting Room

Monday December 12, 2022

Join us on Zoom: <https://us06web.zoom.us/j/83386192215>

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

INENT TO CUT:

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2. APPOINTMENTS

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3. PUBLIC COMMENTS:

4. SELECTMEN ACTION

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- Re-Appointment of Mark Reynolds
- Street Name Application – Bell Engineering, Inc.
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5. TOWN MANAGER REPORTS

- Expenditure and Revenue Reports
- Coalition Commission Update
- NHMA Legal Files

6. CHAIRMAN'S REPORT

- **Motion to enter nonpublic under RSA 91-A:3 II(c)--Matters discussed in public likely to affect reputation**

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Septic System Rules to Protect Water Quality and Human Health

Problems that can result from septic systems

- Septic systems that are poorly designed and/or and improperly maintained are known to contaminate drinking water, wells and surface waters such as lakes and rivers.
- Contaminants released from septic systems include bacterial and viral pathogens, pharmaceuticals, “forever” chemicals (PFAs) and nutrients including phosphorus and nitrogen. These contaminants have negative consequences for human health.
- Nutrients added to lakes, rivers and streams can also lead to algal and cyanobacteria blooms, further reducing water quality, impacting human health, and disrupting important ecosystem processes.
- Excessive levels of phosphorus have already resulted in the impaired status of 65 lakes in New Hampshire.
- While failing septic systems result in conditions that are obvious (soggy lawns and sewage backed up in basements), poorly maintained systems can leak effluent in ways that are not always apparent to property owners.

Current State of Affairs regarding septic systems in Sunapee, NH

- Currently, approximately 40% of Sunapee residents rely on septic systems for wastewater disposal.
- If a septic system fails, municipal health officers can require a remedy within 90 days under RSA 128:5.
- Property owners with septic systems are required “to operate and maintain said system in such a manner as to prevent a nuisance or potential health hazard due to failure of the system” under RSA 485-A:37. However, the frequency and manner of maintenance are not specified, and the burden is placed on “the department or its duly authorized agents” to perform the necessary inspections and evaluations to determine if these criteria are being met.
- For all practical purposes, the current RSA’s regarding septic systems are only enforceable *after* a problem has occurred and contaminants have already been released.
- We propose adopting rules that would more effectively *prevent* the contamination of surface and groundwater by septic system sewage and effluent.

Frequently Asked Questions Regarding Septic System Regulations

What are normal practices regarding the frequency of septic maintenance in other geographies? Required septic pump outs, usually every three years, are standard law in many critical watersheds. For example, that is the law if you are in the New York City watershed, or in the watershed of the Delaware Water Basin, or, in New York state, if your lake has been designated as an impaired lake.

Is three years the norm? While some authorities require or recommend annual or bi-annual maintenance, the most common is a recommendation that septic systems be inspected and pumped at least once every three years.

What about seasonal properties, single occupancies, or other sparse usage instances? Many authorities allow an exception process for such situations with an allowance for frequency of maintenance to be dropped to as little as once every 7 years.

Do new septic systems require inspection in NH? Yes. Currently NHDES inspects septic system installations when they are approximately 90% complete.

What causes systems to fail? Systems using old design standards from +30 years ago, time related mechanical or electrical component failure, increased usage beyond the original septic plan, sub-standard soils used during construction, or ingrowth of roots systems into the piping.

Does the Town of Sunapee have the authority to regulate the maintenance of septic systems? Yes. 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. NHDES has required approved plans, inspection and operational approval for all subsurface systems since 1971 and since 1967 within 1000' of a lake.

Are there any rules around the sale of a property with a septic system? In most of New Hampshire, no. But many watersheds, states, and municipalities require the testing and certification of a septic system **prior** to allowing the sale to go through, or prior to occupancy. Normally, a part of that process is to assess the likely load on the system based upon the number of bedrooms. This theoretical load is then measured against associated guidelines and required to be brought into compliance. Such guidelines, based on the number of bedrooms, currently exist and are being used by NHDES for new septic systems. An out-of-state example of required compliance would be that, in Massachusetts, Title V requires inspection at time of property transfer.

Could septic system evaluations be required when a building permit is sought for any work on a structure, whether involving increase in load or not? The NH Shoreland Septic System Study Commission says yes. This would be an opportune time to locate and assess septic systems but would require involvement of local building inspectors or code enforcement officers.

Can proper septic maintenance really make a difference? Yes. While it may be difficult to precisely calculate the phosphorus load into NH lakes from septic systems (as opposed to other non-point sources), there have been measurable reductions in phosphorus levels – and improvement in overall water quality - in several lakes where there have been systematic efforts to identify and upgrade problematic septic systems.

What is the probability that some septic systems in Sunapee are not operating properly? New York and Massachusetts studies of septic populations initiating required inspections recorded failure rates of 25% to 50% for the first inspection cycle. In the second inspection cycle (three years later), the failure rate dropped to less than 5%.

Are there ways to help families for whom proper septic maintenance presents a real financial challenge? Some NH watershed associations with existing watershed management plans have been able to assist homeowners with 319 grant funds. Some states, including New York and Rhode Island, have revolving loan funds and/or grant programs available to defray some of the cost of system replacement and advanced treatment.

Is there a certification for septic evaluators in NH? Yes. Certification is available through the NH Office of Professional License and Certification in Concord.

Do you have any exemplary success stories? Yes. The Town of Putnam Valley, NY, adopted a Septic Tank Pump-Out Regulation in 2016 (<https://ecode360.com/31537445>). Roaring Brook Lake resides entirely within Putnam Valley and was having a decline in water quality that they believed was due, in large part, to poorly maintained septic systems. In 2017, the first year that the septic pump-out law went into effect, 80% of the homes around Roaring Brook Lake pumped. The quality of the water in the lake improved dramatically.

Have any NH towns adopted regulations that might help Sunapee move forward in this process? Great question! There is a lot of activity in this area by many towns in NH, so there is much to borrow from. Chesterfield (home to troubled Spofford Lake) seems to have done a particularly good job in their 2021 regulations, and several other towns are modeling their regulations after those.

Proposed Septic Rules for the Town of Sunapee

Authority: Health Officers

NH RSA 128 grants the appointment of a health officer for each town. The health officer, with the selectmen, shall constitute the local board of health for the town. The local board of health (NH RSA 128:3) shall meet at least once every year, to review the state of local public health issues and concerns and provide information on the readiness to address relevant public health threats at the local or regional levels.

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. To protect public health and the quality of groundwater and surface water, and to minimize malfunctions of wastewater treatment (septic) systems, LSPA recommends adoption by the Town of Sunapee of the following rules, which would apply to wastewater treatment systems located wholly or in part within the Town.

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 aquifer overlay district in Sunapee which are the groundwater for private wells
- 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
- 6) Ensure the safety and adequacy of sanitary disposal systems.

Reference, Definitions & Certified Septic Evaluator Report Requirements

All definitions listed below generally follow the 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 Aquifer overlay district and the Shoreline Overlay District, as defined in the Sunapee Zoning Ordinance in section 2.30 and further described in sections 4.32 and 4.33 of the Sunapee Zoning Ordinance, as well as all commercial food preparation facilities within the Town of Sunapee either on a septic system or on Town Sewer system.

Septic Tank Pumping

All septic tanks to be pumped on the following schedule:

All developed properties with septic systems in the Shorelines and aquifer overlay districts in the Town of Sunapee shall be pumped every three years, regardless of whether or not the septic system is State approved.

Holding Tank Exception: Properties that have a 'holding tank' system, need to follow the NHDES regulations, specifically, holding tank to be pumped when tank is at 80% capacity.

Grease Trap Exception: All commercial Food preparation facilities within the Town of Sunapee, either on a septic system or on Town sewer, are required to have a grease trap system installed (per Plumbing code or Food Service License code) and grease trap system to be cleaned and/or pumped per manufacturer's recommendation or a minimum of once a year.

At the time of septic pumping, a 'simple' inspection shall be performed by pumper to report:

- a) liquid level in tank (I.e., higher or lower than outlet of tank, indicating either leaking, or blocked outlet of the tank)
- b) condition of outlet baffles
- c) degree of accumulation of solids on effluent filter, if present
- d) woody groundcover or other abnormalities over the leach field
- e) any liquid backflow from leach field, indicating a saturated field.

A copy of the Septic pumping and simple inspection to be submitted to the Town within one week of the septic tank pumping.

Exceptions

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

Exceptions may be granted for certain situations such as: a holding tank; very infrequent use of a septic tank by no more than four persons of strictly seasonal use of less than 60 days per year; and certain State-approved “Innovative/Alternative technologies” per Env-Wq 1024, which utilize specific tank technologies for pre-treatment.

Sale of property

When a developed waterfront property is sold or transferred, a copy of the Waterfront Property Site Assessment Study per Env-Wq 1025 regulations must be submitted to the Town.

Enforcement and/or Fines

To be determined by Board of Selectman.

Funding

For property owners who are unable to afford septic system evaluations or to upgrade or replace underperforming ones, there are several possible sources of financial support. These include Clean Water Act 319 grant funds from watershed associations with existing watershed management plans, (future) state-sponsored revolving loan funds and/or grant, municipal bonds and private donations. Other programs of potential funding sources include USDA Section 502 & 504 home repair & grants or Town assistance

Adoption

Residences having septic pumped within three years of enactment of the regulation can submit documented proof of pumping with a valid receipt for the service. (Rye)

Within 36 months of the adoption of this regulation, the property owner must provide the Town with a paid receipt from the septic contractor, stating the lot owner's name, the street address and Tax Map designation of the lot, the pump-out date; and the inspector's report of any observed functional irregularities and/or deficiencies in the system and recommendations, if any, for additional maintenance and/or remediation. (Reference: Roaring Brook, NY)

For short-term rentals, this requirement must be adhered to within twelve months of the adoption of regulation.

Respectfully submitted,

Douglas Gamsby
Health Officer, Water & Sewer Commissioner, Town of Sunapee

Elizabeth B. Harper, PhD
Executive Director, LSPA

Kirk Bishop
Co-Chair, Watershed Committee, LSPA

Stuart T. Greer
Co-Chair, Watershed Committee, LSPA

Charles Hirshberg
Licensed Septic System Designer, Licensed Septic Installer
Water and Sewer Commissioner, Town of Sunapee
Member, Watershed Committee, LSPA

David Rhodes
Member, Watershed Committee, LSPA

Additional Resources

References Env. Wq 1000
<https://www.des.nh.gov/sites/g/files/ehbemt341/files/documents/env-a-100.pdf>

Sunapee Zoning Ordinance Definitions Aquifers and Shorelines, 4.32 Aquifers and 4.33 Shorelines

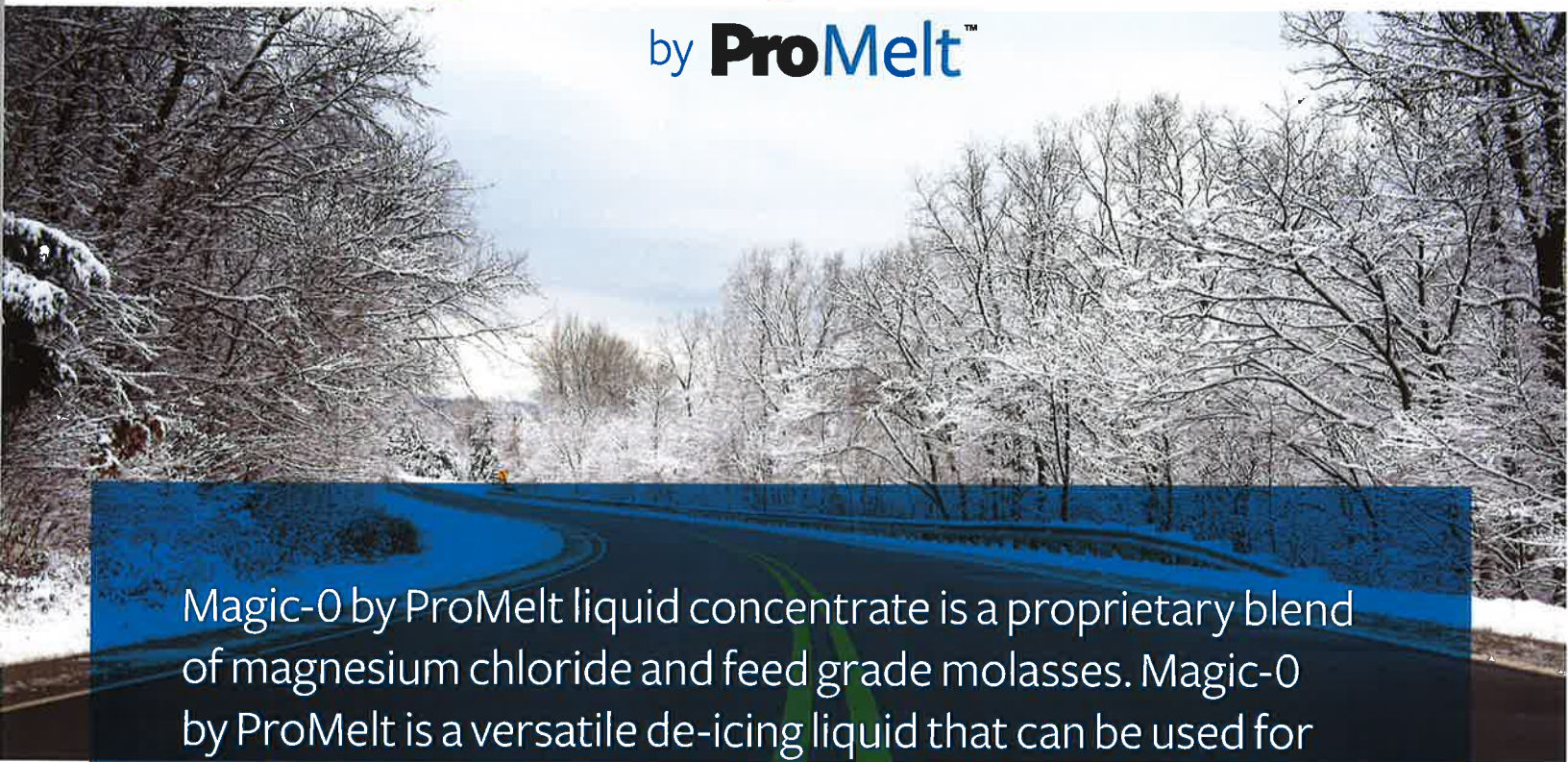
EPA Septic System Information
<https://www.epa.gov/septic>

New Hampshire Department of Environmental Services – Septic
<https://www.des.nh.gov/land/septic-systems>

New Hampshire Shoreland Septic System Study Commission Final Report October 30, 2020
<https://www4.des.state.nh.us/blogs/lmac/wp-content/uploads/2020/11/2020-10-30-NHShorelandSepticSSC-Final-Report.pdf>

Magic-0™

by **ProMelt™**



Magic-0 by ProMelt liquid concentrate is a proprietary blend of magnesium chloride and feed grade molasses. Magic-0 by ProMelt is a versatile de-icing liquid that can be used for anti-icing, on board pre-wetting, pre-treating salt or to enhance salt brine.

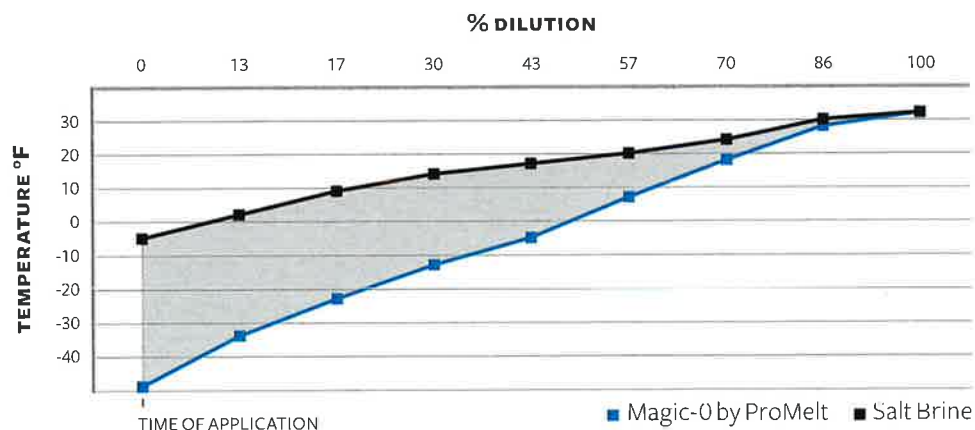
Features and Benefits:

Magic-0 by ProMelt is a premium liquid de-icer that is economical and delivers superior performance in colder environments with a eutectic point of approximately -49F.

- Salt pretreated or pre-wetted with Magic-0 by ProMelt works at lower temperatures than traditional dry salt.
- Magic-0 by ProMelt reduces bounce and scatter thereby reducing salt application rates which saves time, labor, fuel and materials.
- Meets the stringent requirements of the PNS (Pacific Northwest Snowfighters) for corrosion, toxicity and performance.
- Magic-0 by ProMelt can also be used as an enhancer to salt brines to reduce corrosion, lower freeze points and increase working time.
- Strong residual effect provides lasting performance and reduces chloride brine runoff.



Comparative Effective Temperatures During Dilution



Metal Corrosion Tendency

De-Icing Fluid

PNS Relative Corrosion Rate

Distilled Water	0
Magic-0 by ProMelt	11.9
Magnesium Chloride	80
Rock Salt (NaCl)	100
Calcium Chloride 30%	121

Disclaimer: Application rates are just guidelines. The end user is recommended to adjust application rates based on weather conditions, level of service goals and experience. The guidelines presented are made without guarantee, warranty or responsibility of any kind on our part.

Typical Product Application Rates

Magic-0 by ProMelt is specifically designed for anti-icing, direct application de-icing, frost prevention and prewetting of solids. Typical liquid application guidelines are:

Anti-Icing

Application rates of 16 – 29 gallons per lane mile are typical. Up to 38 gallons per lane mile should be considered the maximum in any anti-icing situation.

Direct Liquid Application De-Icing

Application rates of 38 - 42 gallons per lane mile.

Frost Prevention

Application rates of 8 – 17 gallons per lane mile are standard. These rates can vary depending on storm conditions and service level goals.

Pre-wetting

Application rates of 5-15 gallons per ton of substrate, depending upon the solid used and the performance objective.

Distributed by:



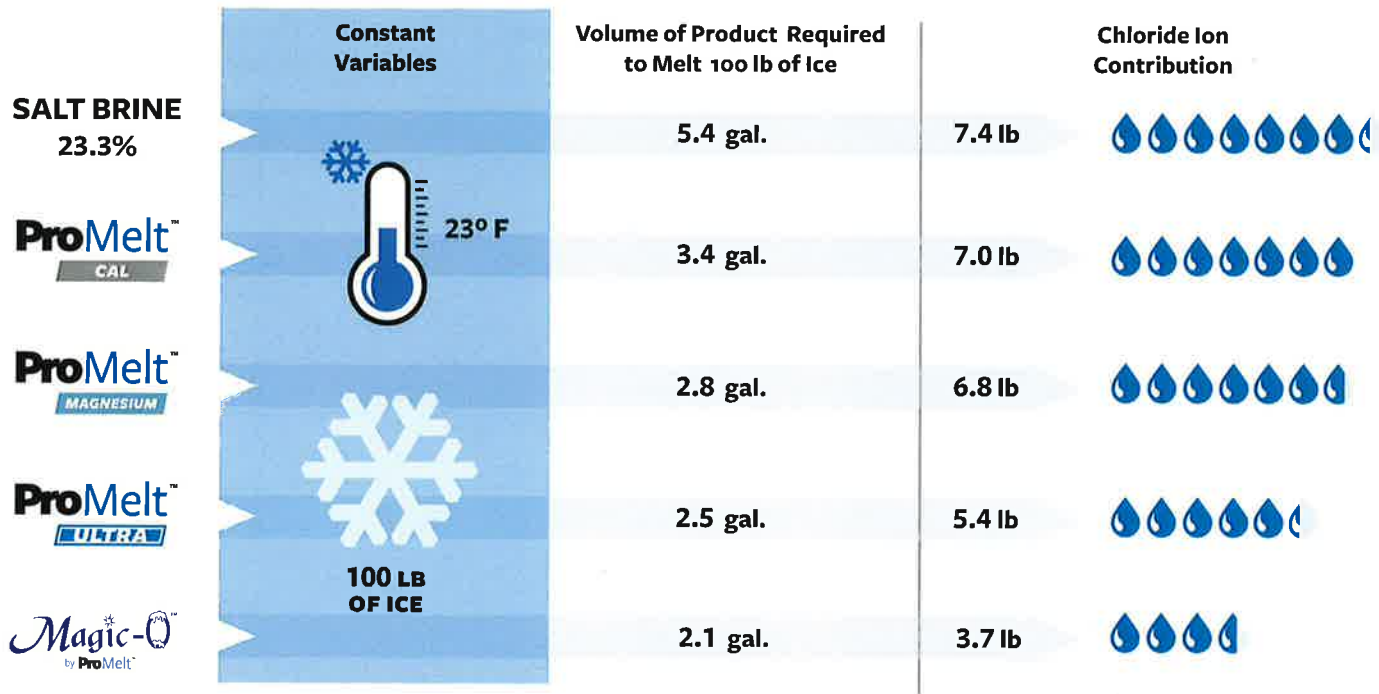
78 Orchard Road
Ajax, Ontario, L1S 6L1
Toll Free: 1 800-387-5777

454 River Road
Glenmont, NY 12077
Toll Free: 1 800-257-5808

www.innovativecompany.com

CHLORIDE ION COMPARISON CHART

Lb of chloride ion contributed when melting 100 lb of ice, at 23° F

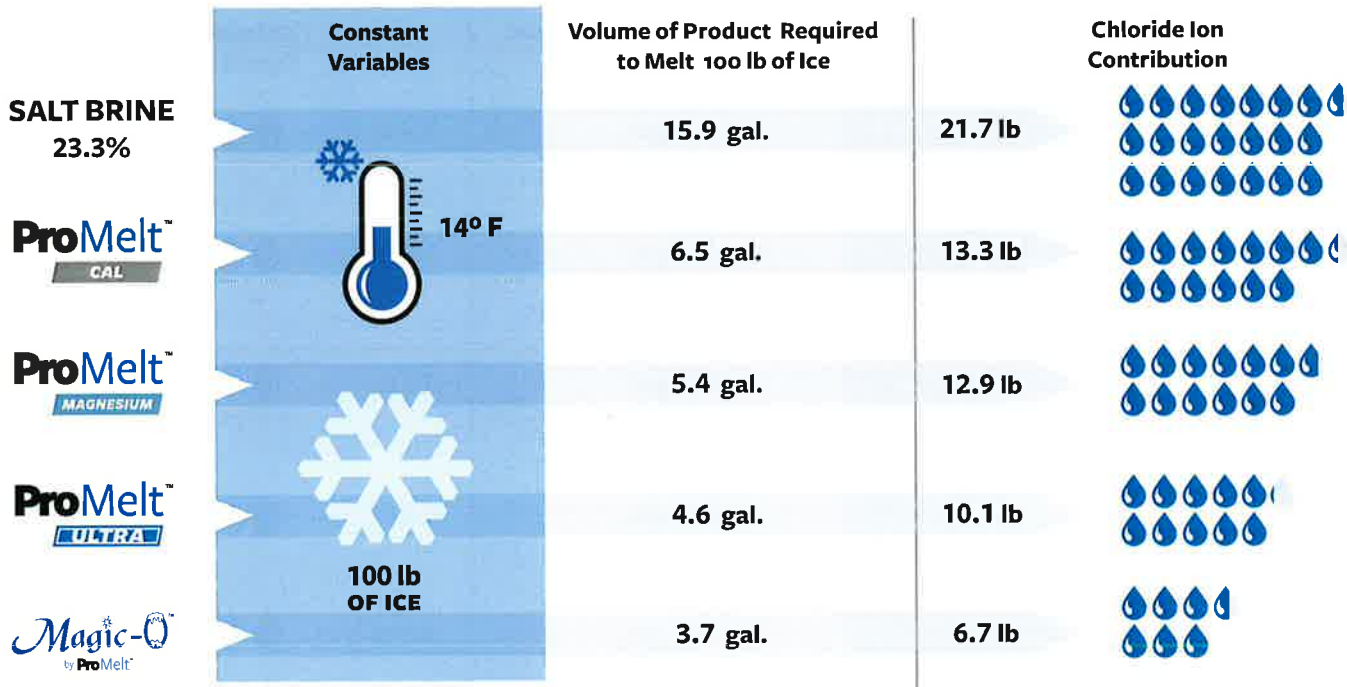


DE-ICERS	STARTING CONC.	SG (lb/gal.)	EUTECTIC TEMP.	Cl IONS (lb/gal.)	GALLONS OF DE-ICER REQUIRED TO MELT 100 lb OF ICE				lb CHLORIDE ION CONTRIBUTION TO MELT 100 lb OF ICE			
					23° F	14° F	5° F	-4° F	23° F	14° F	5° F	-4° F
Salt Brine (23.3%)	23.3	9.81	-6° F	1.37	5.4	15.9	48.3	226.6	7.4	21.7	66.1	310.0
MgCl ₂ (30%)	30.0	10.76	-27° F	2.40	2.8	5.4	8.1	11.4	6.8	12.9	19.5	27.3
CaCl ₂ (30%)	30.0	10.73	-53° F	2.06	3.4	6.5	10.8	16.1	7.0	13.3	22.2	33.0
MgCl ₂ (22%)	22.0	10.09	-27° F	1.65	4.6	9.9	17.4	26.4	7.6	16.4	28.7	43.7
ProMelt Ultra	27.0	10.76	-85° F	2.16	2.5	4.6	6.8	8.7	5.4	10.1	14.8	18.9
Magic-O	22.4	10.84	-49° F	1.81	2.1	3.7	5.9	10.0	3.7	6.7	10.7	18.1

REFERENCE OF CALCULATIONS: NCHRP REPORT #57, PAGE #183-186

CHLORIDE ION COMPARISON CHART

Lb of chloride ion contributed when melting 100 lb of ice, at 14° F



DE-ICERS	STARTING CONC.	SG (lb/gal.)	EUTECTIC TEMP.	Cl IONS (lb/gal.)	GALLONS OF DE-ICER REQUIRED TO MELT 100 lb OF ICE				lb CHLORIDE ION CONTRIBUTION TO MELT 100 lb OF ICE			
					23° F	14° F	5° F	-4° F	23° F	14° F	5° F	-4° F
Salt Brine (23.3%)	23.3	9.81	-6° F	1.37	5.4	15.9	48.3	226.6	7.4	21.7	66.1	310.0
MgCl ₂ (30%)	30.0	10.76	-27° F	2.40	2.8	5.4	8.1	11.4	6.8	12.9	19.5	27.3
CaCl ₂ (30%)	30.0	10.73	-53° F	2.06	3.4	6.5	10.8	16.1	7.0	13.3	22.2	33.0
MgCl ₂ (22%)	22.0	10.09	-27° F	1.65	4.6	9.9	17.4	26.4	7.6	16.4	28.7	43.7
ProMelt Ultra	27.0	10.76	-85° F	2.16	2.5	4.6	6.8	8.7	5.4	10.1	14.8	18.9
Magic-O	22.4	10.84	-49° F	1.81	2.1	3.7	5.9	10.0	3.7	6.7	10.7	18.1

REFERENCE OF CALCULATIONS: NCHRP REPORT #57, PAGE #183-186

Magic Salt®

by ProMelt™

The Superior Ice Melter Safer for Pets, Plants and People

Magic Salt® by ProMelt delivers superior ice melting results at temperatures as low as -25°F. Treated with a high performance blend of feed grade molasses and magnesium chloride, it melts snow and ice fast with long lasting results.



Magic Salt®

by **ProMelt™**

Features and Benefits:

Magic Salt® by ProMelt starts out as ordinary rock salt and is then treated with our Magic -0 Liquid, our proprietary blend of magnesium chloride and feed grade molasses.

- Premium Liquid coated crystals for immediate melting
- Effective at temperatures as low as -25°F
- Agricultural enhancer provides corrosion protection for your equipment
- Long lasting performance reduces re-application frequency
- Melts at lower temperatures than ordinary rock salt
- Safer for pets, plants and people
- Environmentally friendly

Sodium & Chloride Ion Reduction Chart

	Rock Salt	Magic Salt® by ProMelt
Application Rate	8.04 oz./Sq. Yard	2.01-2.68 oz./Sq. Yard
Chloride Ion Contribution	4.88 oz./Sq. Yard	1.22-1.63 oz./Sq. Yard
Sodium Ion Contribution	3.16 oz./Sq. Yard	.79-1.05 oz./Sq. Yard

Product Application

For driveways and walkways, use 1/4 to 1/3 cup per square yard. Melting will begin immediately and continue longer than other regular rock salt products. Shovel off slush and re-apply if needed. For best results, remove all loose snow and slush from driveways, steps and walkways. Spread a generous amount in the path of traction wheels to get out of slick parking areas.

For highway use, reduce conventional dry salt application rates by 20-40%.

Distributed by:



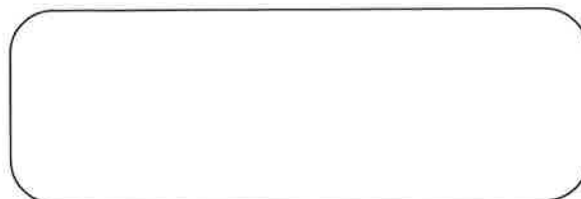
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SOLUTIONS

ProSeries™

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Toll Free: 1 800-387-5777

454 River Road
Glenmont, NY 12077
Toll Free: 1 800-257-5808

www.innovativecompany.com





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Regional Manager

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C 603.770.4379
E fbeliveau@innovativecompany.com

454 River Road, Glenmont, NY 12077
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F 518.729.5181
www.innovativecompany.com

Department	Amount	Reason	Line to Encumber from	Contract?
Highway Department	\$17,500	Replacement of two garage doors at the Highway Garage (Vendor already ordered the garage doors and will install when they come in)	01-4312-55-430	Yes -- Granite Garage Doors
Highway Department	\$10,000	Purchase liquid chemicals to treat our salt and for dust suppression (proposal already approved).	01-4312-55-686	Yes -- Innovative Surface Solutions
Transfer Station	\$ 12,900.00	Installation of a concrete pad in the C&D bunker (needs Town Manager signature to execute proposal)	01-4324-60-430	Yes -- Cretepavers
Safety Service Building	\$ 6,255.00	AC installation for the tele data room (needs Town Manager signature to execute the proposal)	01-4229-53-430	Yes -- ARC Mechanical
GGB&G	\$ 5,285.00	Intrusion and panic alarm system (needs Town Manager signature to execute Agreement)	01-4194-95-430	Yes --Tasco
GGB&G	\$ 2,900.00	Fire panel upgrade (Town Manager already signed Agreement)	01-4194-95-430	Yes -- Tasco
Recreation Department	\$ 20,000.00	Fence		Quote from Andover Fence
Recreation Department	\$ 4,800.00	Recreation Assessment/Strategic Design	01-4520-70-560 (2,891)	Yes
			01-4520-70-790 (2,000)	
Recreation Department	\$ 20,000.00	Dewey Infield Improvements		Quote from Cleanscapes
Planning and Zoning Department	\$ 40,000.00	Software	01-4153-10-321	OpenGov
Police Department	\$ 725.00	SPD Policy Upgrade Project	01-4210-54-610	Yes -- AMDG Consulting
Police Department	\$ 3,000.00	Evidence Room Evaluation	01-4210-54-610	Yes -- STIRM Group
Police Department	\$ 14,442.90	New Police Cruiser Payment at Delivery	01-4210-54-760	Yes -- All American Investment Group, LLC
Finance	\$ 26,400.00	FY23 ClearGov Annual Subscription	01-4150-10-390	Yes
Town Clerk/Tax Collector	\$ 10,000.00	Record Restoration		Yes



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, **Mark Reynolds**, of Sunapee, NH in the
County of Sullivan

Whereas, there is a vacancy on the **Conservation Commission 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 **Mark Reynolds** as a member of the **Conservation Commission 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 12, 2025.

Given under our hands this the 12th day of December 2022

Suzanne Gething
Wallace

James J. [Signature]

I, **Mark Reynolds**, do solemnly swear that I will faithfully and impartially discharge and perform all the duties incumbent on me as a member of the **Conservation Commission 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 **Mark Reynolds** who took and subscribed the foregoing oath.
Before me,

Date 12/12/2022 20
Received and Recorded

Town Clerk



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, **Ginny Gwynn** of Sunapee, NH in the
County of Sullivan

Whereas, there is a vacancy on the **Conservation Commission 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 **Ginny Gwynn** as a member of the **Conservation Commission 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 December 12, 2025

Given under our hands this the 12th day of December 2022.

Suzanne Goulet
Ch Wallace

Jerome [Signature]

I, **Ginny Gwynn** do solemnly swear that I will faithfully and impartially discharge and perform all the duties incumbent on me as a member of the **Conservation Commission 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 **Ginny Gwynn** who took and subscribed the foregoing oath.
Before me,

Date 12/12/2022 20
Received and Recorded

Town Clerk

Present: Tim Fleury, Cliff Fields, Matt Hurd, Barbara Chalmers.

By Zoom: Van Webb, Mark Reynolds

Absent: Terry Mattson, Ginny Gwynn

Guests: By Zoom; Olivia Uyizeye of UVLSRPC, Geoff Lizotte of LSPA

Tim called the meeting at Town Hall to order at 7:00.

1. MINUTES

Motion by Cliff to approve Nov minutes, 2nd Tim, Matt abstained. Unanimous vote to approve.

2. TREASURER'S REPORT

Town Forest Fund: interest earned, fund at \$17,255.58

Dewey Woods Fund: interest earned, fund at \$1,618.18

Bartlett-Tyler Fund: interest earned, fund at \$28,669.76

Con Com balance at \$130,794.66 with payment of UVLSRPC invoices for NRI.

General Fund at \$2,190.75, to be reduced by payment of SPNHF and Ausbon-Sargent invoices, and if Pennyroyal Surveying gets their view easement invoice in, to leave \$578.

Motion by Barbara to accept Treasurer's report, 2nd by Cliff. Vote unanimously accepted.

3. INVOICES

- Ausbon-Sargent & SPNHF membership invoices have been paid.
- Olivia confirmed all outstanding UVLSRPC invoices have been paid.
- Pending; NH Assoc of Conservation Commissions membership invoice of \$425 for 2023 membership tabled in Oct for payment in April 2023.
- Pending: Pennyroyal revised invoice for view easement not received yet. Tim to contact Clayton Platt so payment can be made in 2022 calendar year. **Action by Tim**
- Meadowsend 2022 LCHIP monitoring & report invoice of \$543.75. Reports noted presents of invasive plants and new manure pit at Webb Farm.
Motion by Van to pay Meadowsend from Professional Services, 2nd by Cliff. Vote unanimously in favor.
- As acting chairman, Tim Fleury signed the UVLSRPC contract revision for NRI work approved at November meeting. Barbara will send a copy to Olivia. **Action by Barbara**

4. MAIL

- Birch Lane on Birch Point, a DES Dredge & Fill application for an existing wall replacement.
- TTC Properties 22 Woodland Road: Application, more info requested by DES.
- Pending: ConCom response to DOT Sep letter re mitigation priorities related to future Springfield Road culvert work at Otter Pond outlet pending. Tim will draft a response. **Action by Tim**

5. VISITORS

Geoff Lizotte of LSPA and Olivia Uyizeye of UVLSRPC attended meeting via Zoom regarding final draft of the NRI report and the proposed Conservation Plan, an action plan for the next ten years. Olivia explained that the proposed plan's goals come from our priorities exercise in October, 2009 NRI goals, conversations, and research for the NRI report.

Priority zones are 1) Water Quality, dispersed throughout town 2) Southwest Sunapee, with its connection to major conservation lands to our south; 3) Northwest Sunapee, highly rated in the co-occurrence map.

Four major priorities are 1) Input regarding land development to Planning and Zoning; 2) protection of resilient areas; 3) water quality protection (drinking water and water in general); 4) invasives management.

Minor priorities are: 1) farmland protection/ 2) natural settings protection.

Proposed action partners with the Con Com are underlined if an established relationship exists. Funding is noted "NA" if considered part of regular Con Com work.

Some goals are prime for volunteer public engagement, such as the mapping of vernal pools. Geoff noted that for some projects grants are available and cited the Ameri-Corps based at Squam Lake for physical volunteers. The LSPA is cited as a Con Com partner for educating the public and Geoff noted that the LSPA is happy to do so. An area of common concern and work could be the buffer zone at streams for water quality.

Tim commented that the Conservation Plan is a good list. Barbara noted that the list is ambitious, but she supports it. Cliff concurred as did Van. Tim noted that going forward the Conservation Plan needs to be reviewed on a regular basis.

Formats for information distribution were discussed. The NRI report will be put on-line in its entirety and in sections. Print copies will be made for Town Hall, Abbott Library and LSPA. Olivia will generate a story map for use in public presentations and on-line distribution, similar to the product she provided to Charlestown. A draft of the story map will be sent for review prior to finalizing in January.

Everyone thanked Olivia for a great job and well written report.

6. OLD BUSINESS

- View Easement at Ryder Corner Road: Tim reported that the written legal description of the view easement is yet to be done.
- Archers/Barrett Lot Wetland Survey: Tim reported no word yet from Clayton Platt regarding proposal to delineate wetlands at Archers/Barrett lot. (Needed to establish portion of lot to be removed from town forest designation by warrant article vote for use by sewer plant.) Van questioned why sorting this out is all on the Con Com with no assistance from Water/Sewer Department and warned against a hastily prepared warrant article. Tim concurred. Barbara will ask town manager about status of the warrant article. **Action by Barbara**
- Peer Review Meeting: Mark reported on further discussion re Blueberry Mountain development and urged that con com be involved in establishing details of any public land set-aside required by sub-division regulations, regardless of actual compliance and enforcement. A list of violations of town regulations for the Blueberry Mtn. development over the past 3-4 years would be of interest to the commission.
- 2022 Town Forest Rec Use Data Collection: Pending: Cliff reported no further action to set up QR code at this time. **Action by Cliff**
- Planning Board NRI Cost Share: Pending: Further contact pending final NRI invoice for discussion of a 50-50 cost share with the Planning Board.
- Treehouse on Wendell Marsh land: Craig Heino will do, might be done already.
- Hiking Trail Fallen Tree Removal: Cliff will contact Shannon about this. **Action by Cliff**
- Con Com E-mail Address: conservationcommission@town.sunapee.nh.us Emails to this address are being monitored by Barbara and all emails should be copied to, if not sent out through, the address. Access is through outlook.com

8. NEW BUSINESS

- Resignation: Terry Mattson has submitted her resignation. Van will write a note of thanks for her work on the board.
- Nominations:
 - **Motion**: Van moved to nominate Ginny Gwynn to fill Terry's open seat on the board, 2nd by Matt. Vote: Unanimous
 - **Motion**: Tim moved to nominate Mark Reynold to another term on the board retroactive to last April, 2nd by Cliff. Vote unanimous in favor.
These nominations go to the selectmen for appointment, then new members get sworn in by town clerk. There will be an open place for alternate member.
- Proposed 2023 Con Com Budget: **Motion**: Van moved to level fund from 2022, 2nd by Cliff. Tim **amended** the motion noting that the published draft budget increases professional/technical services by \$800. This area was over-spent in 2022. The draft budget is \$5,300. Amendment was 2nd by Matt. Vote on the amended motion of a \$5,500 budget was unanimous in favor.
- 2023 Warrant Article Funding the Conservation Expendable Trust Fund Van supports proposing \$55,000 as in years prior to 2022. **Motion** by Cliff to set warrant article for conservation trust fund at \$55,000, 2nd by Matt. Vote unanimous in favor.
- Dewey Woods: Tim reported that Steve Bourque, Rec Director and Craig Heino, town facilities, are interested in enlarging the outfield at the Dewey Woods ballfield, increasing parking, and moving the former elementary school portable classrooms on site for a Rec Dept activities center. Building location is proposed for north of the ballfield and requires removal of trees. They have been made aware of the deed restrictions and conservation interest held by the Society for Protection of NH Forests.
Barbara researched Dewey Woods history for deed restrictions, and past use proposals. Town counsel, SPNHF, and Dewey family members have been consulted in the past with each land use proposal. Those placing buildings on the land have not been viewed favorably.

Barbara noted that the historic Dewey Woods meadow on the east side of Route 11 has not been mowed in many years and needs attention. It is an important open wildlife habitat that will be lost to growth of young trees. Van suggested a January afternoon walk of the property with Meadowsend to view the work needed at the meadow and woodlot, to develop a work proposal, and then to take action in the spring. All agreed this was a good idea. Van will contact Meadowsend and put out a January date for an on-site walk. **Action by Van**
- 2022 Town Report: Van will write a 2022 summary of Con Com activities for the town report.
Action by Van

Meeting adjourned 9:15 PM. Next Meeting: January 4 at 7 PM.

Respectfully submitted,

Barbara Chalmers, secretary

Town of Sunapee
23 Edgemont Road
Sunapee, NH 03782

STREET NAME APPLICATION

Applicant: Bell Engineering, Inc.

Date: 10/11/2022

Mailing Address: 161 Keyes Rd.
Sunapee, NH 03782

Parcel ID: 235/092/00

Sub-division Name: Blueberry Ridge

Approval Date 11/23/2020

Proposed Street Name(s):

A) Blueberry Ridge Road
B) ~~Blueberry Ridge~~
C) ~~Blueberry Ridge~~

Planning Board Approval

[Signature] Chairperson

Select Board Approval

[Signature]
[Signature]
[Signature]

Fire Chief Approval _____

Recorded-Town Clerk

Date: 12/12/2022

CC:

Police Dept.

Fire Dept.

Master Road Book

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 Veterans Field

Name of Organization:

Troop 71 (Scouts BSA)

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

Charleen Osborne

Name of Duly Authorized:

284 Route 11 Sunapee

Mailing Address: _____

Daytime Phone: 978-314-7571 Evening Phone: 603-763-5453

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

Event Date: 5/21/23 Time: From: 11:00 To: 3:00

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.

Scouts BSA recruitment event using the council
recruitment trailer. Will have fun activities
for youth participants

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 75-100 # of people and unknown # of vehicles attending our event.

Signature of Responsible Individual Charles Osborne Date 11/28/22

[Signature]
Approved by Chief of Police Date 12/15/22

of Officer(s) will be assigned to event at applicant's expense.

[Signature]
Approved by Recreation Director (if applicable) Date 12/06/22

Approved by Fire Chief (if applicable) Date

Approved by Highway Director (if applicable) Date

Suzanne Grotting
Signature of Approving/Denying Authority (Chairman of the Board of Selectmen) Date 12/12/22

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**

RECEIVED

NOV 28 2022

11/25/2022

Board of Selectmen

Sunapee N.H. 03782

SUNAPEE

We received our property tax bills on Saturday 11/19/2022, one for our boat slip and one for our home.

We noticed that the payments we made to the Town in June through the Bar Harbor Bank Bill Pay System were both listed in our on-line account as having been sent but the check for our home bill had not cleared. The boat slip did.

We verified with the Bank it had indeed mailed both checks, separately, at the same time to PO Box 303.

We brought this to the Clerk and Tax Collector's attention on Monday 11/23/2022 to see if the mystery check could be found but it could not.

In light of the fact that we proved we initiated the payments and the Bank confirmed its records show it sent both checks to the Town, we are respectfully asking to have the interest penalty assessed to us be rebated from our payment in full for our home tax bill.

Rather than deduct the penalty amount from the payment ourselves, we have followed the instruction to pay the bill in full, including the penalty, and then rely upon the fairness of the Tax Collector and the Board to recognize that we were not responsible for any late payment.

We hope that the Town can see its way clear not to penalize us when it is proved that it was beyond our control.

Many Thanks

Michael and Holly Durfor

40 Harbor Hill Road

Sunapee, N.H. 03782

Town of Sunapee Tax Collector xx133

Check, Paid: Jun 9, \$968.00

Cashed #6151 7/14/87

Town of Sunapee - Tax Collector xx137

Check, Paid: Jun 9, \$5173.00

?

#6151

NOT

~~USAA #9563~~

12/3

PO BOX 303

6/3

603 568 9563

COPY

REMITTED AMOUNT:

TOWN OF SUNAPEE
P.O. Box 303
Sunapee, NH 03782
Temp - Return Service Requested

COPY

DURFOR REVOC TRUST, MICHAEL W
SIMPSON-DURFOR REV TRUST, HOLLINGSWORTH
PO BOX 45
SUNAPEE, NH 03782-0045

2022 SUNAPEE PROPERTY TAX -- BILL 2 OF 2

Invoice: 2022P02011202
Billing Date: 11/18/2022
Payment Due Date: 12/19/2022
Amount Due: \$ 5,452.00

8% APR Charged After 12/19/2022

Property Owner			
Owner: DURFOR REVOC TRUST, MICHAEL W SIMPSON-DURFOR REV TRUST, HOLLINGSWORTH			
Tax Rates		Assessments	
County:	\$ 2.89	Taxable Land:	373,800
School:	\$ 6.51	Buildings:	421,400
Town:	\$ 3.35	Total:	795,200
State Education:	\$ 1.24		
<hr/>			
Total Tax Rate:	\$ 13.99	Net Value:	795,200

Property Description		
Map: 000137	Lot: 000018	Sub: 000000
Location: 40 HARBOR HILL RD Acres: 2.400		
Summary Of Taxes		
Total Tax:		\$ 11,125.00
- First Bill:		\$ 5,173.00
- Abated/Paid:		\$ 0.00
- Veteran Credits:		\$ 500.00

Amount Due By 12/19/2022: **\$ 5,452.00**

Other Due Amount(s): **\$ 5,366.88**

Total: **\$ 10,818.88**

"Other Due Amount(s)" indicates additional balance(s) existing on this property. Please call for the proper payment amount(s).

Mailed To:
DURFOR REVOC TRUST, MICHAEL W
SIMPSON-DURFOR REV TRUST, HOLLINGSWORTH
PO BOX 45
SUNAPEE, NH 03782-0045

Remit To:
TOWN OF SUNAPEE
P.O. Box 303
Sunapee, NH 03782
Temp - Return Service Requested

RETURN THIS PORTION WITH PAYMENT

2022 SUNAPEE PROPERTY TAX -- BILL 2 OF 2

TOWN OF SUNAPEE
M,Tu,Th, F 7am-4:30pm Wed 7am-12:30pm

(603) 763-2449

Tax Collector: Joshua P. Boone

Owner: DURFOR REVOC TRUST, MICHAEL W
SIMPSON-DURFOR REV TRUST, HOLLINGSWORTH

Location: 40 HARBOR HILL RD

Map: 000137 Lot: 000018 Sub: 000000

Invoice: 2022P02011202

Amount Due By 12/19/2022: **\$ 5,452.00**

Other Due Amount(s): **\$ 5,366.88**

Total: **\$ 10,818.88**

PAY ONLINE AT: sunapee.nhtaxkiosk.com

REMITTED AMOUNT: _____

[EXTERNAL]Fwd: The Housing Slowdown Is Wreaking Havoc on the Short-Term Rental Market - The Wall Street Journal.

ANN BORDEIANU <annbord25@gmail.com>

Sat 12/10/2022 5:33 PM

To: josh.trow@gmail.com <josh.trow@gmail.com>; peter.j.white@comcast.net <peter.j.white@comcast.net>; jeff@jcla.design <jeff@jcla.design>; fgallup <fgallup@msn.com>; mvice12 <mvice12@yahoo.com>; cpwallace27 <cpwallace27@gmail.com>; Jamie S. Silverstein <Jamie@page4media.com>; ozy@osbornesmarine.com <ozy@osbornesmarine.com>; Randy Clark (randall@mjworklaw.com) <randall@mjworklaw.com>; Gregory Swick <justswick@gmail.com>; Joe Butler <butler_Joe@msn.com>; sgottling@comcast.net <sgottling@comcast.net>; jaileco@aol.com <jaileco@aol.com>; Pierre Lessard <pplessard@comcast.net>; DAVID ANDREWS <david.andrews@me.com>; james.phelan.lyons@gmail.com <james.phelan.lyons@gmail.com>; waitaminit321@gmail.com <waitaminit321@gmail.com>; Renee Theall <renee@town.sunapee.nh.us>; Allyson Traeger <allyson@town.sunapee.nh.us>; John H. Galloway <firechief@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.

I would like to provide input on the proposed STR ordinance and pass along a recent WSJ article on STRs (see link below).

According to the WSJ article, STR demand is decreasing due to the current economic slowdown, while the number of STRs grew at a staggering rate of 23.3% over the last 12 months. Interesting article and insightful comments from readers.

What happens to these houses when there is a glut of them and the demand slows down? Rental prices decrease affecting quality of renters, foreclosures increase hurting neighborhoods, neglect and delayed maintenance hurts the character of the town, property values decrease, etc. None of this is good for Sunapee and its residents.

This brings me to the proposed STR ordinance.

No where in the ordinance does it state that people can't rent their house. Yes they can rent to pay their taxes, home repairs, insurance, supplement their income, etc.

Renting out one's house will just need to be done differently to preserve our neighborhoods, address safety concerns and ensure the quiet, peaceful rural qualities of why we all live here. Great compromise.

Monthly and seasonal rentals are very hard to find in Sunapee. I know this for a fact because we've rented our house for a 3 month block in the winter to skiers during the past 9 years. Over the past 5 years, the same two families have rented together and 1 family rented for 3 years before them. These longer term renters know the neighbors, they abide by the town and house rules, they spend money locally. All good for Sunapee.

After renting our home for 5 years, the last group made so many family Sunapee memories that one family bought the Twin Doors Inn in our neighborhood on High Street. Now they can have their own home to make memories in Sunapee. Such a great story. Great for Sunapee.

I am frequently contacted by families looking for a house to rent monthly or more. The demand is there for monthly and seasonal rentals.

Thank you for creating an ordinance that is fair for all and puts Sunapee First.

Best to All Sunapee Town Leaders,

Ann Bordeianu

I thought you would be interested in the following story from The Wall Street Journal.

The Housing Slowdown Is Wreaking Havoc on the Short-Term Rental Market

Download the Wall Street Journal app here: WSJ.

Sent from my iPhone

December 6, 2022

Dear Sunapee Board Members and Administrators,

The Lake Sunapee Short Term Rental Association (LSSTRA) is reaching out on behalf of our association's interested parties. This includes STR owners, pro-STR local businesses, and pro-STR residents of Sunapee.

We feel the suggested changes from the December 17th meeting to Amendment #7 regarding STRs are unbalanced and excessively restrictive. This is our reasoning and our requests for consideration:

Where is the Evidence?

- 1) The revised Amendment #7 would essentially eliminate all STRs in the RR and RL districts, as few to none have "owner in residence" while the house is rented. Yet, there is **no evidence** to support this level of restriction. The town cannot make decisions based on a few historical anecdotes that have become exaggerated over time, which also, incidentally, did not even occur in the RR or RL districts. Decisions must be fact-based; not fear-based, conjecture-based or prejudice-based.
- 2) Currently, the ordinances allow for "tourist homes" in RR districts via a special exception. The proposed Amendment #7 completely **removes any provision** for a tourist home or STR to operate in a RR or RL district. And we know from a recent case with the ZBA, when a special exception was requested for a tourist home on Perkins Pond, that the current ordinances and definitions resulted in a bias-based misinterpretation to reject the request.
- 3) Therefore, adding back into Amendment #7 this provision of application for a special exception will not likely create an **equitable outcome** for the STRs currently operating in the RR and RL districts. Plus, the time required for the ZBA to consider each application for a special exception would be exorbitant.

Benefits of STRs to the Town of Sunapee

- 1) The question has been raised about the benefits that STRs bring to Sunapee. One of the largest benefits is the work that the upkeep of STRs provide to our **local support services** (carpenters, contractors, snow-removal, landscaping, cleaners, painters, electricians, odd jobs, co-hosts, etc.). Even STR owners who live in or near Sunapee use these services – it is not just owners from out of town. Without STR customers these local businesses will absolutely feel the hit from an already shaky economy.
- 2) Another benefit which STRs bring to Sunapee is the **harbor business economy** during the on-season months. Most people staying in an STR in Sunapee will visit the harbor at least once and likely partake of the food, gift shopping, antique shopping, clothes shopping, boat cruise, boat rental, etc. options. Again, putting money back into the locals' hands.
- 3) The third top way in which STRs are a benefit to Sunapee is providing **stay options** for out-of-town visitors seeking a place that will suit their needs. This shows that as a tourist community of service we are accommodating to all types of visitors. Handicapped accessible, child-friendly,

pet-friendly, private or shared spaces, small or large, economy-style or lavish, lake-front or tree-lined street, sport-minded or sedentary, a one-night-stay to four weeks in a row, the list could go on. Would we risk being discriminatory without these options? Rental spaces that meet guests' needs means they are relaxed and comfortable and happy... and more likely to spend money in our town.

- 4) STR owners contribute to the community in anonymous ways too, and the LSSTRA encourages them to do so. Quietly supporting needs without fanfare, without a nod of recognition. These **give-back efforts** cannot be underestimated in the benefits to our civil resource departments, non-profits, and schools, to name a few.

Rights of Homeowners and the Town of Sunapee

- 1) Our United States constitutional rights include that people are "innocent until proven guilty." Yet, STR owners feel we have been deemed *guilty* simply for hosting an STR without the chance to prove ourselves innocent. We are **responsible hosts**, who need (or chose as a home-owner's right) to rent our homes or spaces. Most STR hosts want the opportunity to show compliance with a registration process and adherence to equitable ordinances. The town cannot base sweeping decisions on a few historically poorly managed STRs, which have, with education and support, shown marked improvement.
- 2) The proposed Amendment #7 is moving the STR conversation and decisions backwards, not forwards. It is not a "baby-step". It is a giant push in the wrong direction, neglecting to consider the **impact on homeowners, Sunapee businesses, and the shores of our lakes**. For example, if homeowners of family-held houses on our lakes and ponds are forced to sell because they aren't allowed to rent and therefore can't pay their taxes, those decades old, memory-filled homes will be sold, torn down, and re-built. And then not likely inhabited by full-time Sunapee families. They will be second homes for out-of-town people who will contribute less to our economy than STRs do. And, in the meantime, we will have pushed out families with a real history, engagement with, and connection to our town.
- 3) Further, the proposed Amendment #7 would create a **havoc workload** for the Town's administrative office to impose. They are already understaffed and under-resourced. Implementing this change would put a costly burden on them. Please show these hard workers your sensitivity to and awareness of how this would hold their office underwater even more than it already is. They have a right to a manageable workload.
- 4) Lastly, the 2022 town budget had legal fees predicted at 18K. The town has already paid out 48K in legal fees to date. Some of these legal fees are related to landowners' rights being violated and consequent legal action pursued. It is naive to think that STR owners will not **fight for their right to rent their homes**. The legal fees for Sunapee could explode beyond the already excessive amounts. Our Police, Fire, Highway, Water/Sewer, Library, etc. departments need more people and financial resources to safely run our town. Yet, it appears the elected boards are blithely acknowledging that increased legal fees will be an acceptable outcome from this proposed amendment. This is short-sighted and an example of poor financial stewardship.

Our Request

- 1) We are respectfully asking that the proposed Amendment #7 about STRs be constructively re-written. With time in such short supply as we near the final ballot wording, too many questions remain unanswered. Too many negative human and financial costs are inevitable if the proposed Amendment #7 stays in place.
- 2) In our opinion there are 2 options:
 - a. Go back to the original Amendment #7, which would *work with* STR owners to ensure compliance to regulations and registration. Perhaps add in that STRs in RR and RL districts are required to have a local contact or co-host if they are not "owner-in-residence."
 - b. **OR**, let's take the time over the next 9 months to gather more data:
 1. Complete the Master Plan survey.
 2. Engage in a STR voluntary registration process.
 3. Support the LSSTRA to complete our own survey for Sunapee guests (currently being piloted).
 4. Create a town-appointed sub-committee to gather and interpret Sunapee data.
 - c. We don't know exactly how many STRs there are, where they are located, or who owns them. We don't know how many are owner-occupied (per the *current* "120 days"), how many are owned by Sunapee residents, how many are owned by investors, how often they are rented, how many people they sleep, and what platforms are used to rent them. We simply do not know enough.

Please complete the ethical due diligence required of the boards in representing **all** tax-paying homeowners in Sunapee. Please consider how the proposed Amendment #7 and its restrictive changes, would create chaos and hardship on so many people. **Please weigh the voices of STR owners as equal to other home and landowners in Sunapee, especially given that STR owners bring very real positive economic and relational outcomes to our town.**

Thank you for your consideration,

Lake Sunapee Short Term Rental Association

Lisa and Peter Hoekstra, Founding Directors

www.LSSTRA.org