

1 **TOWN OF SUNNAPEE**

2 **PLANNING BOARD**

3 **DECEMBER 15, 2022**

4 **Chairman White called the meeting to order and conducted a roll call at 7:00 PM.**

5 **MEMBERS PRESENT BY VIDEO:** Richard Osborne, Suzanne Gottling.

6 **MEMBERS PRESENT IN THE MEETING ROOM:** Chairman Peter White, Joseph Butler, Randy Clark, Jeff  
7 Claus, Gregory Swick.

8 **MEMBERS ABSENT:** None.

9 **ALSO PRESENT IN THE MEETING ROOM:** Michael Marquise - Town Planner, Renee Theall - Land Use and  
10 Assessing Coordinator.

11 **ALSO PRESENT BY VIDEO:** Shannon Martinez - Town Manager, Scott Hazelton - Highway Director, Carol  
12 Wallace - Board of Selectmen.

13 Chairman White set a ground rule for the audience to keep their comments no more than five minutes.  
14 He announced that they will go through the proposed amendments in order. The board will have a  
15 discussion for each amendment and then open up the session for public discussion. At the end of that,  
16 the board will have four options. One of them is to make no changes to a proposed amendment and  
17 vote to pass it on to the ballot, for the March 23 vote. They can make minor changes to a proposed  
18 amendment, as long as they do not change the intent; if they do that, they will vote and hopefully pass it  
19 on to the ballot. If they make substantive changes to a proposed amendment, something that changes  
20 the intent, they will need to have another public meeting on January 12, and at that point they are up  
21 against the deadline. As a fourth option, they can simply table a proposed amendment or decide not to  
22 pass it on to the ballot in March.

23 Chairman White continued and read Amendment No. 1 Amend Article II, Section 1.42 – Filing of Zoning  
24 Ordinance Amendments - to add language that allows Zoning Ordinance amendments to be placed on  
25 Town website per RSA 675:7. Full Text of the amended section will be as follows: 1.42 Filing of Zoning  
26 Ordinance Amendments. All zoning ordinance amendments shall be placed on file with the Town Clerk  
27 for public inspection. They may also be published on the Town website per RSA 675:7.

28 There was no discussion on the proposed amendment from the board members and no comments or  
29 questions from the audience.

30 **Mr. Clark made a motion to approve Amendment No. 1 as written. Seconded by Mr. Claus. The**  
31 **motion passed unanimously.**

32 Chairman White continued and read Amendment No. 2 Amend Article II, Section 2.41 – Location of  
33 District Boundaries - to clarify language that the discontinuance of a road does not alter a zoning district  
34 boundary. Full Text of the amended section will be as follows: 2.41 Location of District Boundaries –  
35 District boundaries shown within the lines of roads, streets, and transportation rights-of-way shall be  
36 deemed to follow the center lines. The vacation discontinuance of roads shall not affect the location of  
37 such district boundaries. When the Board of Selectmen or their duly appointed agent cannot definitely

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.

Mr. Clark suggested that the word 'definitely' be replaced with 'definitively'.

**Mr. Claus made a motion to approve and put on the ballot Amendment No. 2 as written, with the proposed change. Seconded by Mr. Butler. The motion passed unanimously.**

Chairman White continued and read Amendment No. 3 Amend Article III, Section 3.40(m) – Additional Requirements - to better define 90-day use and allowable extensions of time, 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, tent trailers, 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. This time period may be extended if a valid Certificate of Zoning Compliance is in place for single-family residential construction or renovation on the subject lot. 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.

Mr. Osborne had a question about the following part of the amendment: This time period may be extended if a valid Certificate of Zoning Compliance is in place for single-family residential construction or renovation on the subject lot. He asked if that means that they had to already have applied for a house on a lot and they cannot just have the trailer there on the lot without an approval

Mr. Marquise replied that they would have 90-days to have the trailer on the lot unless they are constructing and then they will have the ability to stay in it while constructing.

Mr. Osborne said that was not his intent when he was talking about this amendment previously. His intent was that someone would be able to own a piece of property with a septic system and water on it and be able to live in a trailer during the summertime and then pick up their trailer and move somewhere else during wintertime, which would be more than 90 days. He added that with a CZC that trailer meets all the zoning setbacks and the conditions, it could stay there for longer period of time.

Mr. Swick said that he remembers the discussion as to facilitate somebody to building a house. Mr. Clark and Mr. Osborne agreed as well.

78 Mr. Claus asked if it is a matter of adding condition of trying to cover all these things or is it a matter of  
79 changing the number of days to 120.

80 Mr. Osborne replied that is certainly an option.

81 Debbie Samalis from the audience debated about travel trailer vs. a trailer that has wheels. People can  
82 park a trailer that has wheels on their property and live in it. She was not sure why are they putting  
83 perimeters on people using their property. If they want to live in a trailer, travel trailer or a tent, she  
84 does not think that it matters for how long they live in their property, as long as they have water, sewer  
85 hookup and are in guidelines with the State of NH. She asked why are they dictating on what can they  
86 do in their property and said that there should not be a timeline for staying in travel trailer.

87 Chairman White replied that this provision is already in the ordinance and they are not adding it at this  
88 meeting. The proposal is to make modifications to the existing ordinance which used to say 90 days over  
89 a 12-month period, now they are saying 90 total days per calendar year. He said that they are not  
90 prohibiting people and this is not relevant to mobile homes, this is relevant to campers.

91 Mr. Claus said that with mobile homes and similar there are usually issues with surrounding property  
92 values concerns.

93 Ms. Theall added that the ordinance makes a distinction from a mobile home as a structure and as a  
94 travel trailer.

95 Christine Corey asked about the procedure to get the amendment stricken and change it all together.  
96 She also asked if in today's meeting they can take number 5 off the Amendment, because it dictates  
97 people how to use their property.

98 Ms. Theall clarified that only the italicized sections are the proposed changes to the amendments, the  
99 rest of the wording is current ordinance and stands as is.

100 Chairman White replied that it can be petitioned with 25 signatures. He replied that they can discuss  
101 about taking number 5 off the Amendment. He said that these are regulations that were voted on by the  
102 town people and they are not telling anybody what to do.

103 Mr. Marquise noted that for this year and cycle, the petitioning period may be over; it is a narrow  
104 window from mid-November to mid-December.

105 Charlene Osborne said that she had seen a couple of different versions of the amendments as the board  
106 had gone through them and this one says that if you come and want to stay longer than 90 days, you  
107 need to get a certificate if you were going to do construction or renovation. She thinks that they are  
108 being overly restrictive and it does not make sense to restrict it to 90 days.

109 Lisa Hoekstra agreed with removing number 5 as well for being arbitrary restrictive.

110 Chris Whitehouse said that based on this amendment he estimates that they would never be able to  
111 have a campground in the town.

112 Chairman White replied that this provision is stating that if you have over a certain number of campers,  
113 then it truly does become a campground at some point.

114 Mr. Claus read that if three or more travel trailers are to be placed, then a site plan review is needed. So,  
115 then they come for a totally different use and that allows for a campground, but you have to meet other  
116 requirements as well.

117 Christine Flanders said that if you have the 90 days in it, it seems like even if you come for the site plan  
118 review, if you are going to have three or more trailers, this article in itself, kind of negates the fact that  
119 you can have somebody there for longer than 90 days. She also said that with this provision even  
120 parents are not allowed to stay on somebody's property on a travel trailer longer than 90 days.

121 Mr. Butler suggested to extend the 90 days to 180 days.

122 Chairman White said that they could offer an extension.

123 Mr. Osborne suggested 180 days with a possibility of an extension for construction or renovation.

124 Mr. Claus was cautious about the 90 days and how did that number end up on their ordinance.

125 Mr. Marquise replied that he does not know the specific driver, but the limitation was set in 2004.

126 Debbie Samalis asked if there is a reason why the limitation is even there.

127 Mr. Swick pointed out that he pays taxes on his trailer and that they have a set of zoning rules and a set  
128 of assessments against those structures and as members of this town, they abide by those rules, pay  
129 their taxes and that is how they run the town. If people come in and set something and using town  
130 surfaces, they are going outside all of those rules and structures and he is paying their taxes. If  
131 somebody has another dwelling unit and brings it to the site, that needs to be a structure which is  
132 assessed and taxed to pay for and needs to meet all the rules. They have a narrow exception there for  
133 90 days which is made to accommodate life for people.

134 Dan Cave said that when he reads this provision, to him it does not read about someone living in the  
135 trailer; it is about storing trailers on property. If someone need to sleep in that stored trailer on the  
136 property, this allows for that. If someone wanted to pull a trailer into their property and put a septic  
137 system in, and live in it for 9 months out of a year, he does not think that this provision is for that; it is  
138 within mobile home, tiny home subject.

139 Mr. Claus said that if the 90 days was arbitrary, he is finding it in a lot of ordinances, so for him he needs  
140 to do more research about the history as how is this applied and why other municipalities come up with  
141 these limitations.

142 Chairman White asked if they want to table this amendment and if they do indeed have something else  
143 moves to January 12 meeting and finalize it at that point.

144 Mr. Marquise pointed out that if the board decides to move it for January 12, they have to have it  
145 written tonight, because they have to notice it two weeks before.

146 Town Manager Martinez commented the 90 days from the town's perspective and because it is a travel  
147 trailer and it was specifically addressed with the town counsel who also views this amendment then the  
148 90-day matters because the counsel had review it from retrospective, so if they change it now, it has to  
149 go back to counsel and she does not know how is that going to do with their timeframe.

Mr. Osborne suggested to remove the words “for single-family residential construction or renovation on the subject lot” from Number 2.

The board agreed to consider this suggestion and make a final decision on January 12 meeting.

Chairman White continued and read 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 nonconforming 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 the centerline 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’.

Mr. Osborne asked for clarification from Mr. Marquise if the measurement for no closer than 10 feet is to be made from the edge of the road or from the centerline.

Mr. Marquise replied that that is the current language, as a right-of-way line of the road width.

**Mr. Clark made a motion to approve and put on the ballot Amendment No. 4 as written. Seconded by Mr. Claus. The motion passed unanimously.**

Chairman White continued and read Amendment No. 5 Amend Article III – Special Exceptions – by adding Section 3.50(I) 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(I). 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(1) 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 this Section 3.50(I) is contingent upon approval of a Shoreland Water Quality Protection Act (SWCPA) permit, and (IX) Approval of this Section 3.50(I) is contingent on the applicant's acquisition of all state and local permits to ensure compliance with Article VII of the Ordinance.

Mr. Marquise clarified that this is a brand-new part of the ordinance.

Mr. Osborne asked if there is any way to insert/put pictures with this ordinance.

Mr. Marquise replied that they need to find out the legality of how photos fit in to the ordinance and can they just insert them, do they have to be approved. They could possibly have photos as some kind of a supplement to the application.

Mr. Hazelton suggested to add the words receipt of an approved, on Article VIII.

Member of the audience suggested that the missing words of special exception be added in the beginning of Article VIII and IX, before the word approval, for the articles to be understood better.

**Mr. Claus made a motion to approve and put on the ballot Amendment No. 5 as written with the revisions as noted. Seconded by Mr. Butler. The motion passed unanimously.**

Chairman White continued and read 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. (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.

Member of the audience asked for a definition of the natural woodland buffer.

Mr. Marquise replied that it is 150 feet from the shoreline.

Member of the audience asked how does this Article apply to any invasive species, is there any special exception that can be made for them or similar.

Mr. Marquise replied that it is a process of review from the board and it does not say that you cannot do it, it is just saying that if you are going to do something in this magnitude, you need to come to the Planning Board, and the Board will take that into consideration if there is invasive species.

Mr. Clark said that the invasive species example is a very good point and maybe that is something that they want to consider for next year and that they should know to ask about it in their future cases.

Mr. Hazelton said that there is a requirement through DES for removing all invasive species and he thinks that they should adopt it for next year as well.

**Mr. Clark made a motion to approve and put on the ballot Amendment No. 6 as amended. Seconded by Mr. Butler. The motion passed unanimously.**

Before they went into discussion about STR's, Chairman White pointed out that one thing that they cannot control as a Planning Board is any sense of whether STR's could or would be grandfathered. That is Board of Selectmen's purview, as well as any sort of registration and fire safety issues and it will be addressed by them. The Planning Board is looking at strictly ordinance issues as part of this process.

Chairman White continued and read 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. Suggested revised text: 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 prohibited in the Rural-Residential and 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. 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) If a short-term rental requires site plan review it may apply via the Home Business requirements 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 structure may not be used as a short-term rental 12) If an outside trash receptacle is used it must be screened and meet the building setbacks in the district it is 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 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 – A single-family dwelling in which 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 2 (two) 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 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.

The board agreed that the whole amendment was well put together and captured all the elements.

Mr. Osborne said that he was fine with the amendment until 11PM during the last meeting, when all of the sudden the board decided to limit STR's on rural residential and restrict them on rural land. He thinks that is very limiting.

Mr. Claus opinion was that as much as he appreciated the effort that has gone in to put all this together, he still felt that they are out in front of this issue and maybe they do not fully understand what is best for the town. The other thing was that this is not just a Sunapee issue, this is almost a nationwide issue and getting in front of it, his feeling was that he almost recommend shelving it , so they could potentially get more information, see what is happening in other towns, see some legal case law that may come in next year regarding other towns that are dealing with this.

Chairman White thinks that the case laws have been pretty clear and the courts have not really jumped into it yet. Whenever these cases have come before the court, they have always referred back to municipalities and the zoning ordinances, but they have never come out with any sort of sweeping judgement. When somebody says that they need more time to get more information, his question will be what information would be applicable.

Mr. Claus replied that those are some of the stuffs that they have talked about on the previous meeting, a volunteer in the area had put together a lot of information as a presentation for the town. One course is to put it forward and let the voters decide. Another option would be to table it as he was saying earlier. They could use the deliberative session as another opportunity to get public input. They have also talked about adding questions to the Master Plan, in addition to keeping an eye on what is going on in the state and other towns too.

313 Mr. Swick said that he is not comfortable with where they are either. They have tried to find something  
314 in the middle at 11PM and thinks that nobody is going to like what they ended up with. He also does not  
315 think that doing it with no structure at all for another year or two is not a good idea and they need to  
316 move forward and let the voters decide.

317 Mr. Hazelton commented about encouraging or asking the Board of Selectmen to possibly write a STR  
318 registration policy and from the registration process the town could have a better understanding of  
319 what is going on, so then the Planning Board can write more concise regulations.

320 Town Manager Martinez said that the Board of Selectmen is waiting to pull the trigger on the  
321 registration process, but they want to be in sync with the Planning Board and the decisions that are  
322 made by the voters.

323 Carol Wallace said that as Town Manager Martinez indicated, the Board of Selectmen members are  
324 prepared to move forward with the registration process and they also feel that more time is needed to  
325 really understand where the community stands in terms of actual Airbnb short-term rental and to get  
326 some more facts that surround it. If they enforce the ordinances that are already in place, then in  
327 combination with the registration they will get a very good read on where they are as a community.  
328 They are waiting to see how things play out this evening as well.

329 Member of the audience said that this is an important issue, because whatever they decide could set a  
330 legal precedent that allows big companies or private investors to come in and start having a legal  
331 feeding frenzy on a property in Sunapee. So, residential properties in residential zones and rural  
332 residential are going to be converted probably at not a slow rate into commercial properties, horizontal  
333 hotels. The town is going to die as a result of that kind of action. If these are permitted and allowed, it  
334 has ruined cities around the globe. Every major city is combating the \$75B company that is Airbnb and  
335 their legal teams to defeat this sort of thing, which is driving up rents, making housing unaffordable.

336 Member of the audience asked what sorts of data had been collected, what has driven these proposed  
337 amendments.

338 Chairman White responded that it has been a STR task force that has operated for almost a whole year  
339 and they have provided a lot of information.

340 Robin Saunders thanked the board members for drafting the ordinance that reflects the views of  
341 Sunapee community members. It has been a lengthy two-year process since community members began  
342 discussing their concerns about short-term rentals with the town officials. In response, a task force was  
343 developed which reviewed over fifty ordinances in State of NH, the town's master plans, conducted  
344 transparent and inclusive community meetings and drafted a proposed ordinance. As a result, all the  
345 members of the Sunapee community can still rent their properties to offset taxes and expenses while  
346 protecting the rural land and rural residential zones by allowing only monthly rentals. She noted that  
347 they have done pretty extensive search and looked at a lot of data to see how many STR's are actually in  
348 the town and according to that there are approximately 180 but they know there are more than that.  
349 That is less than 4% of the population of Sunapee and changing a Zoning Ordinance in Rural Residential  
350 Lands based on that, where transient housing is only allowed by special exception and commercial  
351 vendors are not allowed, would be egregious. She said the information were published on the town's  
352 website, through emails, public media sites.

353 John Augustine (via ZOOM) said that the biggest mistake they could make tonight is to not go forward  
354 with putting something on the ballot. He disagreed with the idea that there has not been enough time,  
355 because two and a half years ago, Mr. Hazelton and the former Chief of Police and former Fire Chief had  
356 come in front of the Board of Selectmen and said that STR's are an issue and asked for them to take  
357 action and nothing was done until this year.

358 Member of the audience via Zoom said that this has huge implications including unaffordable housings  
359 for families, population decline, loss of the Sunapee School District, a distraction of the fabric of their  
360 community. Any owners can convert their residential properties to Airbnb's, any corporation with a  
361 bunch of money can come in, buy houses, turn them into Airbnb's and extract as much value as possible  
362 from their neighborhood.

363 Chris Whitehouse focused on the zoning aspect of it. He pointed out the parts on the map as yellow, red  
364 and pink where they can have STR's per new amendment. The most condensed populated areas in the  
365 town are those areas, so he asked if all the voters from those areas are going to show up and vote for  
366 something that basically prosecutes them only. Based on the demographics of the town 91% of them  
367 are middle class and bellow, so he asked who is this going to hurt. He thinks that this amendment is  
368 going to help people with money. He said this whole thing is about trying to regulate property and they  
369 cannot regulate their property, because it is theirs. He thinks that the amendment should be all or  
370 nothing.

371 Member of the audience focused on the definition of what STR means and said that it is defined as a  
372 transient accommodation for any period of time less than 30 days, so he asked how short is a short-term  
373 rental. He suggested that they put some limitation on minimum days allowed to rent.

374 Peter Hoekstra said that he had found out on the town's website that there is a long history of tourism  
375 in the Lake Sunapee area, which began in the late 1800's. He said that he is not in support of this  
376 amendment and believes that people come here because they enjoy the area, whether it is for two  
377 days, two weeks or two months it is not up to them to tell them. About affordable housing and that  
378 corporations are buying up these houses, he said that there was a list of Airbnb's provided at the  
379 beginning of this year and there were roughly about 75, and out of those, 60 were owned by New  
380 Hampshire residents or Massachusetts. The other part of the argument was that you cannot buy a  
381 house in Sunapee right now, because there are only 13 pieces of property for sale. If somebody told him  
382 that he needs to make his house affordable for a person, he asked who from that room would sell their  
383 house for half of the price to make it "affordable". He went to every business in the town and every  
384 single one of them depend on short-term renters to provide income for them and will put on a signed  
385 letter from them in the documents.

386 Charlene Osborne thinks that there are so many things wrong with this amendment for so many  
387 reasons, not just the STR's, it is also even in the definitions. It is overly restrictive even so much where it  
388 says that if you own a bed & breakfast you have to be there as an owner to operate it, and it does not  
389 make any sense. They are combining the definitions along with all the restrictions on STR's and she do  
390 not think that there is enough evidence to show that they need to put it as restrictive as proposed. She  
391 said that a lot of voices were not heard and people who own the STR were not contacted to be part of  
392 this task force until a lot of STR owners started finding out about it. It was a huge problem to have just  
393 people who had a problem with STR's looking at it from their point of view to then bring the information

394 to the town. She thinks that people should be allowed to rent their house if they want to. She said that  
395 they do not even have it in place to enforce any of this as a town.

396 Eric Callum as an STR owner rents his house almost 100% to families and had made it clear it is not a  
397 party house. He lives 15 minutes from the house he rents, so it is second home to him. If this  
398 amendment goes through, his area would be blocked off.

399 Debbie Samalis, owner of a smokehouse and kitchen and bath design studio in Sunapee harbor for  
400 almost 15 years has a strong following clientele of seasonal people in her restaurant and pretty strong  
401 following of local people and taking to people about the situation with the STR's in the town, she had  
402 noticed that STR owners had no clue about what was going on. She thinks that is unjust to tell people  
403 what to do with their property and if so, it should be all or nothing deal. As a business owner she relies  
404 on tourists, since Sunapee has always been a tourist place.

405 Lisa Hoekstra wanted to bring up a few things, she discussed the length of short term rentals, how there  
406 is need for more data, could we do a townwide survey, piloting a survey for STR guests, she supports a  
407 registration process, also mentioned how approximately 70% of the STR's in the tan & white section  
408 (Rural Land & Rural Residential) that this makes no provision for them to become an STR, whereas the  
409 current ordinance allows via Special Exception.

410 Mr. Marquise said that they have come along ways and that there are a lot of talks about tabling this  
411 amendment, but they did come out in the beginning with the concept of allowing STR's everywhere and  
412 regulating them. At the last meeting, the board took a U-turn and decided to not allow a certain type of  
413 STR's. They have heard the input from several people, so what if they invest several more hours on  
414 January 12, go back to the concept of allowing them, have a discussion and then if they decide to table it  
415 or move forward, at least they would get more input.

416 There were several other public comments throughout this amendments public comment.

417 After a lengthy discussion the board decided to mimic the current ordinance for bed & breakfast and inn  
418 in a district use and allow STR everywhere except rural residential by special exception and not allowing  
419 it in rural areas, for the next meeting on January 12 for a final decision.

420 Chairman White continued and read Amendment No. 8 Amend Article IV, Section 4.90 A & B - to add  
421 language to the Accessory Dwelling Unit (ADU) section to reflect correct state statute reference along  
422 with updated reasons for allowing ADUs. Full Text of the amended section will be as follows: Suggested  
423 revised text: A. Authority. This article is adopted pursuant to RSA 674:21 RSA 674:71 – 674:73 and is  
424 intended as an Accessory Dwelling Unit (ADU) provision. B. The purpose of the ADU is to provide societal  
425 benefits for aging homeowners, recent college graduates, and care givers, disabled persons, etc. along  
426 with increased access to affordable housing or long-term renters. C. General Requirements 1. An ADU  
427 will be permitted in all districts by Special Exception. The special exception will be based on items 2-9 in  
428 this section and not on the requirements found in Section 4.15 (Amended 3/10/2020) 2. Only one (1)  
429 ADU is allowed per single family dwelling unit. 3. Owner occupancy is required in the main unit or ADU  
430 4. The ADU cannot be larger than 1000 square feet. It must be within or attached with heated space to  
431 the single-family dwelling and there must be a connecting door between units. 5. Setback dimensions  
432 for the ADU must meet the same guidelines as the single-family unit. 6. The ADU addition must comply  
433 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.

Member of the audience asked why are they crossing out recent college graduates and disabled persons and saying it is just for aging homeowners and care givers. She asked why do they have to have aging homeowners and care givers to make increase for affordable housing for renters.

Mr. Osborne replied that they feel that along with increased access to affordable housing and long-term renters, Care Givers, recent college graduates and disabled persons. It still allows those uses and additional uses, so it is not being more restrictive but more inclusive. Having aging homeowners and care givers is in the state statute and was the original purpose/intent of it.

**Mr. Osborne made a motion to approve and put on the ballot Amendment No. 8 as written. Seconded by Mr. Clark. The motion passed unanimously.**

Chairman White continued and read 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 10, 1987) may be replaced in the same or smaller envelope by a new structure having the same purpose and use provided 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 nonconformity to this Ordinance, either vertically or horizontally, shall only be permitted by variance, or if permitted herby, by Special Exception. Article XI – Definitions (add) Horizontal Footprint – The exact horizontal location on the ground of an existing structure.

Mr. Marquise suggested to change the word herby to hereby, probably written by mistake.

**Mr. Clark made a motion to approve and put on the ballot Amendment No. 9 as amended. Seconded by Mr. Osborne. The motion passed unanimously.**

Chairman White continued and read 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 affirm 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.

474 **Mr. Osborne made a motion to approve and put on the ballot Amendment No. 10 as written.**  
475 **Seconded by Mr. Claus. The motion passed unanimously.**

476 Chairman White continued and read Amendment No. 11 Amend Article XI - Definitions - Maximum  
477 Structure Height - to confirm that height is measured from the finished grade at a point 15' away from  
478 the structure to the highest level of the roof. Full Text of the amended section will be as follows:  
479 Maximum Structure Height – The vertical distance measured from the lowest ground elevation around  
480 the finished grade 15' away from the structure to the highest level of the roof (excluding cupolas,  
481 weathervanes, chimneys, antennae, etc...).

482 Mr. Osborne asked what if the slope goes up.

483 Mr. Marquise replied that then the architect gets sued, because the water gets in the house.

484 **Mr. Osborne made a motion to approve and put on the ballot Amendment No. 11 as written.**  
485 **Seconded by Mr. Butler. The motion passed unanimously.**

486 Chairman White continued and read Amendment No. 12 Amend Article XI – Definitions - to change the  
487 requirement that retail sales in a home business are limited to antiques by allowing products that are  
488 associated with an approved service. Full Text of the amended section will be as follows: Home Business  
489 – Any business that is conducted within the home, by the inhabitants of the home and no more than  
490 three non-resident employees. The home business shall meet all of the requirements of the Site Plan  
491 Review Regulations. If the home business is for retail purposes has retail items for sale, it shall be limited  
492 to items which are made on the premises, antiques, or associated with a service offered in the home  
493 business. The home business shall be subordinate and incidental to the primary residential use of the  
494 property and shall not change the residential character of the dwelling or neighborhood. The home  
495 business shall not generate noise, odor, traffic, or any other negative influence on the community or  
496 neighboring properties.

497 Lisa Hoekstra asked if somebody has a home business and it had gone through a site plan review, is  
498 there a document that will show that they have gone through the process and have been approved to  
499 have a home business, would it be on GIS.

500 Ms. Theall replied that she believes that the decision sheets are posted in the town hall and are  
501 associated to the GIS parcel maps.

502 Member of the audience asked why is it just being limited to goods that are made on the premise.

503 Mr. Marquise replied that the original concern was having a retail operation in a residential area.

504 Member of the audience asked if that would include goods that are assembled on site and then sold or  
505 they have to actually manufacture the piece on site.

506 Chairman White replied that they do not have to manufacture it on site.

507 **Mr. Osborne made a motion to approve and put on the ballot Amendment No. 12 as written.**  
508 **Seconded by Mr. Swick. The motion passed unanimously.**

509 Revisions to Agenda

510 Other Business: There were no items.

511 Review of Minutes: There were no minutes reviewed.

512 Signing of Mylar's

513 **Meeting adjourned at 11:30 PM.**

514 Respectfully submitted: Rajmonda Selimi

515 Panning Board

516 \_\_\_\_\_

517 Peter White, Chairman Suzanne Gottling

518 \_\_\_\_\_

519 Jeff Claus Gregory Swick

520 \_\_\_\_\_

521 Randy Clark Richard Osborne

522 \_\_\_\_\_

523 Joseph Butler

Lindag Goehle Drohan to Everyone

LG

Please consider all the people that your decision and Amendments would affect.. for positive and negative.. Let all have their voice heard before a huge decision is made that affects so many lives.. Let all good and beneficial STR's that positively contribute to the Sunapee community be allowed to register and continue to operate.. Don't make a rash decision that shuts down wonderful STR's without consideration..

Thank you Shannon for speaking the facts about how STR's do benefit our community..As a woman said at the last meeting, would we rather have homes sit dark and unused

Melinda Luther to Everyone 09:14 PM

ML

I would much rather have my home occupied by a responsible renter than sit empty for months at a time

Lindag Goehle Dr... to Everyone 09:19 PM

LG

or see wonderful families stay for the weekend and find out how wonderful our beautiful area is.. Many second homes sit empty and unused for all but a couple weeks and it seems sad to see them and the property and area sit vacant and unused..

there are only 10 STR's on Perkins Pond

Sheryl Rich-Kern to Everyone 09:22 PM

SR

I question the comment about investors buying properties to turn them into STRs. Sunapee is not a year-round destination. The operating costs to keep the lights on, heat

Sheryl Rich-Kern to Everyone 09:22 PM

SR

I question the comment about investors buying properties to turn them into STRs. Sunapee is not a year-round destination. The operating costs to keep the lights on, heat and cool the house, maintain a yard, pay for Wifi, provide furnishings and linens, clean the house from top to bottom, conduct laundry...only to rent to occasional renters makes no financial sense.

Lindag Goehle Dr... to Everyone 09:28 PM

LG

I agree Melinda Luthr

Luther

Sheryl Rich-Kern to Everyone 09:29 PM

SR

Can we keep to the 5-minute rule?

Cyndy Currier to Everyone 09:29 PM

CC

i have seen them rented

year round

Me to [Everyone](#)

09:31

SM

Yes, either the flip timer is being used or I am using my phone timer.

[Lindag Goehle Dr...](#) to [Everyone](#) 09:31

LG

So many people love to come up with their families and ski Mt Sunapee for the weekend.. Let them come and enjoy the beauty, the fun and fall in love with our Sunapee community!! Lets do some research and see how STR's have benefitted for so many years!!

[Cyndy Currier](#) to [Everyone](#)

09:31

CC

they can go to a Bed n Breakfast or hotel/motel

[Lindag Goehle Dr...](#) to [Everyone](#) 09:31

LG

I so appreciate those speaking facts and not emotional appeals;s

year round

Me to [Everyone](#)

09:31

SM

Yes, either the flip timer is being used or I am using my phone timer.

[Lindag Goehle Dr...](#) to [Everyone](#) 09:31

LG

So many people love to come up with their families and ski Mt Sunapee for the weekend.. Let them come and enjoy the beauty, the fun and fall in love with our Sunapee community!! Lets do some research and see how STR's have benefitted for so many years!!

[Cyndy Currier](#) to [Everyone](#)

09:31

CC

they can go to a Bed n Breakfast or hotel/motel

[Lindag Goehle Dr...](#) to [Everyone](#) 09:31

LG

I so appreciate those speaking facts and not emotional appeals;s

Carol ... to Me (Direct Message) 09:33 PM

I suggest that the warrant article be limited to implementing a registration process and enforcing existing ordinances.

Lindag Goehle Dr... to Everyone 09:34 PM

Thank you for your input!!  
I so appreciate true input and factual information..

Ann to Everyone 09:36 PM

Bed and breakfasts are regulated by the state

Carol ... to Me (Direct Message) 09:38 PM

Who is managing the timer?

Melinda Luther to Everyone 09:38 PM

There are not enough bed and breakfasts or motels in Sunapee to support our current tourist industry, STRs are an essential part of our economy, restricting

Melinda Luther to Everyone 09:38 PM

ML

There are not enough bed and breakfasts or motels in Sunapee to support our current tourist industry, STRs are an essential part of our economy, restricting them equates to fiscal suicide for our town

Lindag Goehle Dr... to Everyone 09:39 PM

LG

Again, thank you Melinda Luther! Exactly what I'd love to say...

Cyndy Currier to Everyone 09:39 PM

CC

STR steal guests from Hotels/motels and Bed n Breakfasts

Ann to Everyone 09:40 PM

A

Strs put all our B&Bs out of business

Lindag Goehle Dr... to Everyone 09:40 PM

LG

To the gentleman

LG

To the gentleman speaking now.. again, you are so correct.. We do the same thing!!

Bonnie Arzuaga to Everyone 09:42 PM

BA

When my husband and I started coming up to Sunapee with our children and our dog, we always stayed in STRs. Bed and Breakfasts are not our "cup of tea" and it's hard to find dog-friendly lodging. We always loved staying in local STRs. Now that we have our own second home in Sunapee, we rent it out to families with dogs when we aren't using it.

Suzanne to Everyone 09:42 PM

S

No. There are very few, less than 50 rooms in hotels, bnb s, etc available in Sunapee.

Lindag Goehle Dr... to Everyone 09:42 PM

Lindag Goehle Dr... to Everyone 09:42 PM

G

I'm sorry if I comment too much, but I am a passionate lover of Sunapee and I love sharing our beautiful home with others when we can't be there to enjoy it.. So many that stay at our home, share what wonderful memories have been made there during their weekend stay..

Laura Kiernan to Everyone 09:43 PM

K

Yes - agree with the speaker. We did the same - significantly improved the home inside and out, employing local service providers for everything.

Michael Labieniec to Everyone 09:45 PM

ML

Same here. I live in Newport and have an STR in Sunapee, did many improvements, and service it ourselves. I provide a very cohesive guidebook

---

it ourselves. I provide a very cohesive guidebook providing information on all then local businesses. This amendment is very dangerous in my opinion to the town in general. The "issues" will be there without STRs, they will be there with long term rentals, and hotels etc. That's a separate issue.

Lindag Goehle Dr... to Everyone 09:48 P

Thank you for wise input from real people who will be affected by restrictive ordinances..

Suzanne to Everyone 09:49 P

He is very accurate. Love the Covid fog...the issue became acute in 2020.

Carol ... to Me (Direct Message) 09:50 P

Shannon- can we limit STRs to Sunapee residents? Let Sunapee residents buy homes but

Lindag Goehle Dr... to Everyone 09:54

LG

Again thank you for such wisdom as this speaker has.. Our Airbnb bookings have drastically dropped this year since the Covid crisis has lessened... It is cyclical..

Sue's iPad to Everyone 10:01

SI

Sue has to give this up. Hope you make a decision soon..

Lindag Goehle Dr... to Everyone 10:03

LG

There are so many things to be considered... Please be wise when you make such huge changes.. The majority of STR's are positive!!

Suzanne to Everyone 10:08

S

Gather the data...

Yes, register, establish regulations and support compliance

Who can see your messages?

Yes, register, establish regulations and support compliance

Lindag Goehle Dr... to Everyone 10:09 PM

Thank you Jeremy! We so appreciate you and agree with the fact that STR's should be run well and be a positive addition to our Sunapee community.. In every area of our community

Lindag Goehle Dr... to Everyone 10:14 PM

Friends of ours have stayed at your place and have so appreciated and love it!! Thank you!!

Lindag Goehle Dr... to Everyone 10:22 PM

Thank you Lisa!! Sunapee is special and unique!! Please allow Sunapee to be found and discovered by so many that come to stay at STR's and then fall

G

Friends of ours have stayed at your place and have so appreciated and love it!! Thank you!!

Lindag Goehle Dr... to Everyone 10:22

G

Thank you Lisa!! Sunapee is special and unique!! Please allow Sunapee to be found and discovered by so many that come to stay at STR's and then fall in love to return again or buy and invest for a long term future!!

Thank you Carter!  
Appreciate your input very much...

michae... to Me (Direct Message) 10:32

M

How much do you think it will cost to enforce any of these rule? What about charging every rental unit either short term or long term to have to pay \$1,000 a year fee to be able to rent their homes out and

michae... to Me (Direct Message) 10:32 PM

How much do you think it will cost to enforce any of these rule? What about charging every rental unit either short term or long term to have to pay \$1,000 a year fee to be able to rent their homes out and this would also pay for the employees to enforce any rules.

John Augustine to Everyone 10:33 PM

Has the Selectboard said what the registration fee is going to be?

michaelhaxton to Everyone 10:36 PM

Charge every homeowner a yearly fee of \$1,000 that wants to rent out their homes. If there are 180 homes that are being rented out that would bring in \$180,000 and this would pay for any town employees that will have

homes that are being rented out that would bring in \$180,000 and this would pay for any town employees that will have to enforce the rules

John Augustine to Everyone 10:39 PM

A

Has the Selectboard said what happens if a property owner ignores their plea to register?

Michael Labieniec to Everyone 10:42 PM

L

millions of dollars of income into the town sounds like a good thing. Hindering and hurting small businesses sounds like a bad thing.

Sheryl Rich-Kern to Everyone 10:42 PM

R

Wouldn't STRs have to abide by the same ordinances (noise, parking, # of people per room) that long-term residents - or for that matter, all residents have to follow?

SR

Wouldn't STRs have to abide by the same ordinances (noise, parking, # of people per room) that long-term residents - or for that matter, all residents, have to follow?

Carol ... to Me (Direct Message) 10:43 PM

CW

None of the details related to registration have been developed at this point.

John Augustine to Everyone 10:48 PM

JA

Has the Selectboard said if agreeing to a home inspection by the Fire Chief is part of the registration process?

michaelhaxton to Everyone 10:48 PM

M

Don't Table it put something forward and let the voters decide . Do your Job and let the voters decide

Ann to Everyone 10:57 PM

michaelhaxton to Everyone

10:48

M

Don't Table it put something forward and let the voters decide . Do your Job and let the voters decide

Ann to Everyone

10:57

A

This conversation is not taking the fabric of our community into account what so ever

Carter ... to Me (Direct Message) 11:07

CB

Can you please clarify what happened?

It is not very clear and I cannot hear anything

\*anything