

1 **TOWN OF SUNAPEE**

2 **ZONING BOARD**

3 **August 3, 2023**

4 **Chairman Claus called the meeting to order at 6:34 PM.**

5 **MEMBERS PRESENT IN THE MEETING ROOM:** David Andrews, Chris Murphy, Ann Bordeianu, Jamie
6 Silverstein, Jeff Claus - Chairman, Michael Jewczyn, Pierre Lessard, David Munn.

7 **MEMBERS PRESENT VIA ZOOM:** None.

8 **ALSO PRESENT IN THE MEETING ROOM:** Michael Marquise - Town Planner, Allyson Traeger - Land Use
9 and Assessing Coordinator.

10 **PRESENT VIA ZOOM:** None.

11 **MOTION FOR REHEARING DISCUSSION**

12 **Case # VA 23-07, Parcel ID: 0121-0042-0000, 106 Fernwood Point Rd, KTP Cottage, LLC**

13 The motion request for the rehearing was provided on August 2, but the Board felt that there was
14 insufficient time to review it. The case needed to comply with the RSA, and it was clarified that the
15 Zoning Board meeting in September would occur after the 30-day appeal period.

16 A decision was made to schedule an additional meeting to review the submitted materials. The main
17 objective of this meeting would be to determine if there are sufficient grounds for a rehearing. If it is
18 deemed necessary, the actual rehearing date would be set for a later time. Ms. Silverstein proposed the
19 16th or the 17th of August as potential dates for the meeting, as three members were available on
20 those days, with two alternate members also available if needed.

21 It was decided that no motion for this decision was needed.

22 **OVERVIEW WITH LAND USE & ASSESSING COORDINATOR**

23 During the meeting, Ms. Traeger took the floor and delivered a presentation focusing on the
24 modifications in the office and the objectives of the planning, zoning, and compliance office. As
25 someone responsible for overseeing the case management of the Zoning Board of Adjustment, her role
26 involves assessing applications to ensure their completeness and readiness for review, as a support to
27 the Zoning and Planning Board.

28 In her current role as the Land Use and Assessing Coordinator, Ms. Traeger manages all incoming
29 permits. Additionally, she is responsible for overseeing the implementation of an online permitting
30 system.

31 Another significant aspect of Ms. Traeger's responsibilities involves handling the case management for
32 the Zoning Board of Adjustment. As cases come in, her role includes reviewing the applications to
33 ensure they are complete and ready for review on the Board's agenda.

34 In addition to her other duties, she collaborates closely with Michael Marquise, the Town Planner, who
35 holds the final authority in approving permits. He also reviews the applications for the Planning Board.

36 He acts as the liaison for the Planning Board, a master plan coordinator, as well as contributing to the
37 development of zoning amendments.

38 Lastly, she spoke about the collaboration with Craig Heino, the Code Compliance Officer. This role is
39 relatively new to the town, and it entails a primary focus on establishing a strong foundation of
40 compliance in the town of Sunapee. In his capacity, Craig concentrates on inspecting physical aspects,
41 particularly tree-cutting and land disturbance activities, to ensure they are being followed in accordance
42 with the approved plans. Additionally, his responsibilities encompass ensuring that individuals have
43 access to the correct information which is of paramount importance for the citizens and the Board
44 dealing with such matters.

45 Ms. Traeger continued to discuss the current goals of the planning and zoning office. This includes
46 bringing organization to the office, converting the manual permitting process into a digital one, and
47 establishing a standard operating procedure, timelines, and deadlines. This systematic approach ensures
48 that whenever new information comes in, the citizens can easily refer to the workflow and precisely
49 know the steps to follow, resulting in a more efficient process.

50 Mr. Jewczyn emphasized the importance of efficiency in the role. It is necessary for individuals to come
51 prepared, having all the required permissions in place before seeking assistance, as it helps prevent
52 unnecessary delays and ensures smooth operations.

53 Adopting a customer service-oriented approach, a great emphasis is placed on providing residents with
54 ample information with FAQs and other relevant information available on the town's website. The
55 primary objective is to ensure that residents can readily access standard details through the website or
56 other accessible means. The Board agrees that the responsibility lies with the applicant or landowner to
57 provide the application, even though they can be guided in understanding the rules.

58 Mr. Claus highlighted the challenges the role of the Coordinator faces when interpreting regulations that
59 may not always be straightforward. The importance of understanding the history and intention behind
60 certain rules to apply them appropriately should also be considered. One recent example involved an
61 unusual application of steps and landing to a deck, which falls under the definition of a structure.

62 One key aspect of this initiative involves streamlining the permit process with OpenGov. Establishing a
63 structured sequence of actions from the moment a permit is received, identifying who needs to be
64 informed, where the permit should be routed, and the appropriate storage methods are needed.
65 Although the office currently relies heavily on paper, the defined steps will ease the transition to a
66 digital system in the future, which is another critical goal of the office.

67 The focus is set on standards for procedures, timelines, and deadlines. The office has encountered
68 challenges in adhering to strict deadlines for building permits, leading to uncertainty for residents and
69 administrative complexities. To address this issue, a standard operating procedure is currently being
70 developed that outlines clear timelines for each step of the process. This will not only provide greater
71 transparency and clarity to residents but also contribute to a more organized and efficient workflow
72 within the office.

73 The workload related to processing permits was also discussed; the number of permits varies
74 throughout the year, with the busy season lasting from March to mid-October.

75 The topic of communication with the Board was addressed, specifically focusing on the preferred
76 method for sharing agendas and case memorandums. It was agreed to provide comprehensive
77 background information for each application, highlighting the parcel's pre-existing status and any
78 previous approvals or variances before meetings. Additionally, it was recommended to provide case
79 summaries based on past practices. The idea of drafting and sending these summaries to the Board to
80 gather feedback and achieve a consistent final version was also put forward.

81 Regarding agenda updates, Ms. Traeger highlights some challenges with the website's notification
82 system and asks for a good time to provide information to the Board. The Board expressed their
83 preference for submitting information five days before the meeting to comply with the town's
84 communication policy.

85 Mr. Claus references page 1 of the procedures, specifically section F, which states that: "complete
86 applications, including plans and exhibits, should be made available to Board members at least five days
87 before a scheduled meeting". They suggest adhering to this guideline to avoid last-minute submissions,
88 as sometimes they receive numerous letters on the day of the meeting.

89 During the discussion, the Board also considered the possibility of holding two meetings a month, and
90 they agreed that the five-day timeline should still be maintained in such cases.

91 The topic of abutters writing letters came up, and they discussed the importance of setting clear
92 limitations to avoid confusion. A past experience is where multiple letters arrived on the day of the
93 meeting, making it challenging to review them all in time.

94 On the question from Ms. Bordeianu regarding property cards, it was answered that they are updated
95 periodically, but some photographic evidence from previous years is retained to help with future
96 references. They discussed the potential benefits of scanning property files to have digital records
97 readily accessible and linked to the property's location for efficient information retrieval.

98 The discussion then shifts to the challenges faced with the current permitting process, such as manual
99 paperwork, limited accessibility for residents, lack of communication between departments, and
100 difficulties in tracking and reporting data for future planning. To address these challenges, Ms. Traeger
101 introduces OpenGov as a cloud-based software solution that offers a range of permitting and licensing
102 options. It was clarified that OpenGov is a private enterprise software, and the annual fee for the land
103 use department is around \$20,000. Ms. Traeger explained that the town is planning to implement
104 OpenGov in stages, starting with planning and zoning applications and gradually expanding to other
105 departments for various permits and submissions.

106 Before settling on OpenGov, thorough research on various permitting software options was conducted.
107 OpenGov stood out for its noteworthy features, including seamless integration with GIS data and its
108 capacity to handle a wide array of permits, not limited to zoning-related ones. The decision to adopt
109 OpenGov was made after seeking input from other towns already using the system, and their positive
110 feedback reinforced the choice.

111 It was mentioned that they'll be providing training materials and videos to different departments to help
112 them understand and use OpenGov effectively. The implementation is expected to start in August for
113 internal use.

114 Ms. Traeger also discusses the importance of standardizing processes, such as flagging special
115 exceptions and providing guidance on property history and permitted uses. The goal is to make the
116 application process more streamlined and user-friendly for both town employees and residents.

117 She clarified that short-term rental registration has a separate software called GovOS, which is not
118 under her purview.

119 Additionally, the possibility of creating a form for submitting anonymous complaints or notices was
120 raised. However, it was clarified that while the OpenGov system requires users to log in, the complaints
121 submitted through it would not be fully anonymous.

122 Ms. Traeger presented a large screenshot of the OpenGov system, showcasing different applications
123 available, including those for government purposes and planning and zoning office. She highlighted that
124 the system will be rolled out in phases, starting with planning and zoning applications and later
125 expanding to other departments.

126 The requirements for creating an account to use the OpenGov system were also discussed and
127 mentioned that anyone can create an account. However, to submit applications on behalf of someone
128 else, they would need to upload an authorization letter signed by the property owner.

129 The demo presented the applications that have been built out so far for Phase 1, which include general
130 building permits, tree-cutting applications, driveway access applications, and sign permit applications.
131 The long-term goal is to create project-specific applications to streamline the process for residents and
132 ensure all necessary permits are submitted together.

133 On the question on surveys, Ms. Traeger also mentions the possibility for residents to submit files or
134 information through the OpenGov system, even if they are not planning a project now. This could
135 include uploading surveys or other relevant documents for future reference.

136 It was demonstrated how the OpenGov system works by selecting the "Building Permit - Certificate of
137 Zoning Compliance" application as an example. The system automatically fills in the contact information
138 based on the user's account details. It was mentioned that the system is tied to the Parcel ID, so any
139 applications submitted are associated with that specific ID.

140 Regarding security concerns, it's explained that the system is designed for administrative review, and
141 any submitted applications are checked for relevance and accuracy. It was assured that the system does
142 not access sensitive information like bank accounts and is primarily used for permit applications and
143 related documents.

144 Furthermore, it was explained how the OpenGov system allows residents to track their submitted
145 applications and documents. The resident dashboard was reviewed, which displays the status of
146 applications and any issued documents, providing convenience for contractors and residents to check
147 the progress of their projects. The importance of expiration dates for building permits and the need for
148 follow-up visits to ensure compliance with regulations were highlighted in the discussion.

149 The OpenGov system link shall be shared for review and welcome feedback from the members to
150 improve the user experience.

The first question raised by Mr. Jewczyn pertains to whether the state government of New Hampshire requires a certain percentage of construction to be allocated to a specific economic group, beyond workforce housing.

Mr. Marquise clarified that it is not a mandate but rather an allowance or consideration that some towns may choose to implement. He continued that it's about a mandate that allows for a certain percentage of construction in town ordinances but acknowledges that it lacks enforcement power. He mentioned the potential benefits and density allowances for developers who adhere to these mandates.

The Board also recalled a case where separate parties were trying to annex non-physically attached properties, but the request was denied as there was no connection between the parcels. The conversation then shifted to parking space regulations and how many parking spaces are allowed for one-bedroom or two-bedroom houses. In addition, there was another question raised about parking spaces on an island, and the discussion touched on the absence of minimum requirements and limitations for parking spaces on private land.

Review of Proposed Zoning Amendments

Ms. Silverstein explained and suggested consolidating the summary containing various points related to short-term rentals and their regulation. The discussion started with Ms. Silverstein mentioning that last year, a warrant article was passed to regulate short-term rentals, but some discussions regarding the registration process were left unresolved during the Selectboard meeting. They proposed the idea of codifying some of the intended parameters around short-term rentals in a new warrant article with the Planning Board.

The Board emphasized that they didn't want extensive discussions on each point but welcomed input. Some considerations they suggested were limiting the maximum number of rooms that could be rented in a single dwelling to four, restricting the rental of a dwelling in non-commercial districts to a total of 120 days in a 12-month period, and revising the current ordinance definition to reflect a maximum of one car per bedroom to prevent overcrowding.

It was also proposed to add language to the ordinance, stating that short-term dwelling units should always be covered by an insurance policy permitting room rentals. Furthermore, it was suggested that the owner of a short-term rental should register with the state of New Hampshire rooms and meals tax. It also mentioned a possible online tracking system for properties that have paid the tax.

Regarding safety and zoning standards, they proposed adding language that ensures all structures conform to the dimensional standards of the zoning district where they are located. They also suggested that structures within front or side setbacks should undergo a site plan review by the Planning Board and a safety inspection by the Code Compliance Officer.

The occupancy of short-term rentals was another point of consideration. It was proposed to determine occupancy based on the number of bedrooms as indicated by the town property card, multiplied by two persons, plus one additional dwelling, with a maximum limit of sixteen persons in total.

They then shifted the discussion to temporary shelters on the premises, suggesting that no recreational vehicles, travel trailers, tents, or other temporary shelters should be used for living or sleeping purposes for short-term rentals.

190 Another point was the requirements for short-term rental special exceptions. All short-term rentals
191 would need to comply with the requirements and be duly registered with the town of Sunapee. Some
192 revisions to the language in the ordinance to reflect the town of Sunapee rather than the Board of
193 Selectmen were proposed.

194 Regarding the special exceptions, they discussed the possibility of losing the status if certain conditions
195 were not met, such as non-payment of rooms and meals tax or failure to submit required
196 documentation. If the special exception status is terminated, a new application for a special exception
197 would be necessary.

198 They concluded the discussion on this point by mentioning the enforcement aspect, suggesting that if a
199 short-term rental would lose its special exception status, the Code Enforcement Officer would issue a
200 cease-and-desist order, and they could no longer operate as a short-term rental.

201 The discussion continued with the topic of adding definitions to the ordinance. One of the proposed
202 definitions was for "caretaker residents," which would refer to a dwelling used primarily for security or
203 maintenance purposes. They clarified that if a caretaker is not present at the residence most of the time,
204 it cannot be converted into rental property. The goal behind this definition was to ensure that
205 properties designated as caretaker residences remain primarily for security and maintenance purposes
206 and do not become rentals.

207 The next definition proposed was "investor-owned dwelling." This would apply to properties that are
208 solely intended for short-term rentals, with the owner not occupying the property. The purpose of this
209 definition was to distinguish such properties from those used as primary residences by local residents.
210 By identifying investor-owned dwellings separately, the aim was to free up housing inventory for local
211 residents rather than having properties solely used for short-term rentals.

212 Ms. Silverstein clarified that the two definitions, caretaker residents and investor-owned dwellings, were
213 separate and unrelated to each other. The caretaker residence definition was meant to address security
214 and maintenance aspects, while the investor-owned dwelling definition was meant to identify
215 properties exclusively used for short-term rentals.

216 There was a question about whether a resident who owned four or more houses would be considered
217 an investor. They clarified that being a resident with multiple properties would not fall under the
218 investor-owned dwelling category. The focus of the discussion was on identifying non-resident investors
219 who owned properties in the town of Sunapee.

220 It was mentioned that some European communities were already implementing similar restrictions, and
221 there was interest in exploring the idea further. However, a concern was raised about the need for
222 special definitions for residents and non-residents, suggesting that the focus should be on maintaining
223 the housing inventory and addressing non-resident investors.

224 In the meeting, it was mentioned the need to further explain the marina and modify a definition for
225 parcels that are not contiguous to water, following the Goodhue case. They also discussed the idea of
226 making steep slopes a special exception.

227 The significant proposal was to add a new district specifically for small ponds like Perkins Pond. They
228 considered whether it could be an Overlay District or an entirely different zone that covers residential,
229 village, commercial, and other areas.

230 The Board members debated the purpose of creating this new district. It was argued that it could
231 provide more flexibility and reduce the number of cases, while some members believed it should
232 address the unique needs of residents around smaller ponds, particularly regarding water concerns and
233 road challenges. They discussed the possibility of implementing stricter guidelines in this district to
234 preserve shallow water and protect the environment.

235 There was a discussion about the potential impact on density in the proposed district. Some mentioned
236 that many waterfront lots were already developed, so density might not change significantly. However,
237 for properties around smaller ponds, where development was not as extensive, there was an
238 opportunity to control and manage density more effectively.

239 The conversation touched on the constitutional rights of property owners and the need to balance
240 regulations with individual rights. However, they agreed that their efforts were aligned with the
241 priorities outlined in the recently released Master Plan. Preserving the small-town atmosphere,
242 protecting water bodies, creating recreational areas, and conserving wildlife were all important
243 community goals reflected in the Master Plan results.

244 The discussion touched on the process of granting special exceptions and ensuring consistent decision-
245 making.

246 It was also added that these definitions, if repeated in cases, can be added while creating a FAQ or
247 providing supplemental information during the registration process to address recurring issues. They
248 considered referencing illustrations or documents that align with the ordinance to assist applicants.

249 Mr. Claus also raised the concern that certain areas might be considered steep slopes on paper but not
250 meet the 20-foot threshold, leading to confusion for applicants. They agreed that the language in the
251 ordinance should be clarified to address such cases.

252 They also discussed section 3.50(l), which dealt with non-conforming structures. The language in this
253 section was confusing and had been a challenge from the beginning. The members recalled how at a
254 previous Planning Board meeting; the sentence structure had been questioned for its lack of logical flow.

255 There was also a discussion about the definition of a dwelling unit and its potential misuse, with
256 examples of structures being considered dwelling units without complete kitchen facilities. The
257 conversation led to a larger debate about density and whether to restrict or allow detached accessory
258 dwelling units. They agreed to continue exploring these topics to find the best solutions for the town's
259 zoning regulations.

260 A final point was added about the Zoning Board's rules and procedures, specifically the lack of clarity
261 between appeals and motions for rehearing. It was suggested that a motion to rehear should be
262 included in the rules and procedures to provide residents with a better understanding of the Zoning
263 Board's processes and align with the RSA standard. This matter shall be considered during a future
264 review of the rules of procedure.

265 OTHER BUSINESS:

266 **Ms. Silverstein made a motion to adjourn the meeting at 9:33 PM.**

267 **Mr. Claus seconded the motion.**

268 **The motion passed unanimously.**

269 Respectfully submitted by

270 Rajmonda Selimi