

**SUNAPEE SELECTBOARD
MEETING MINUTES
TOWN OFFICE MEETING ROOM
SEPTEMBER 8, 2025, 6:30 p.m.**

Present: Chair Suzanne Gottling; Vice Chair Jeremy Hathorn; Selectboard Members Fred Gallup, Aaron Whipple, Anthony Dolan

Absent: None

Also present: Shannon Martinez, Town Manager; Neill Cobb, Police Chief; Nicholas Boisvert, Police Sergeant

1. CALL SELECTBOARD MEETING TO ORDER

Chair Gottling called the meeting to order at 6:31 p.m.

2. REVIEW OF MINUTES

MOTION to approve the minutes of the August 18, 2025, Selectboard meeting as presented made by Vice Chair Hathorn, seconded by Selectboard Member Whipple. Motion carried unanimously.

3. REVIEW OF ITEMS FOR SIGNATURE

USE OF FACILITIES

- Use of Lower Village Cemetery – Sunapee Historical Society – Cemetery Walk
September 21, September 28, 2025 – 12:30 – 3:30 p.m.

VETERANS CREDITS

- Parcel ID: 0209-0003-0000 – 237 Perkins Pond Road – Thomas H. Cheney & Rebecca J. Cheney Revocable Trust

CHECK MANIFEST & INVOICE BATCHES

- Voided Checks – August 2025 – Two checks valued at \$3,100.19

• General Fund	\$1,288,402.53
• General Fund	\$ 44,792.44
• Water Department	\$ 13,449.26
• Special Recreation Fund	\$ 6,285.95
• Land Disturbance Escrow Account	\$ 500.17
• Planning and Zoning Escrow Fund	\$ 1,607.82
• Grants	\$ 2,195.25
• Escrow Fund 08	\$ 183,802.34

Town Manager Martinez has reviewed and certified that the listed manifest, totaling \$1,541,035.76 represent valid and properly processed charges for goods and/or services received by the Town of Sunapee. These charges have been verified as appropriate prior to submission to the Selectboard.

MOTION to approve the Items for Signature made by Selectboard Member Gallup, seconded by Selectboard Member Dolan. Motion carried unanimously.

APPROVED LAND USE PERMITS

Since the last Selectboard meeting, 9 permits were approved, including 4 Land Disturbance Applications, 3 General CZC Applications, 1 Interior Renovation CZC, and 1 Alternative Energy System CZC.

4. APPOINTMENTS

Chief Neill Cobb and Sergeant Nicholas Boisvert: Proposal to transition to an 80-hour pay cycle for Sunapee PD

Chief Cobb and Sergeant Boisvert appeared before the Board to present a request to transition the Police Department to a 14-day work period. Chief Cobb explained that through the Fair Labor Standards Act, firefighters and police officers are allowed to work up to a 28-day work period.

Sergeant Boisvert explained the benefits of transitioning to an 80-hour work week, which include reducing overtime, allowing more flexibility in scheduling, and improving work-life balance for the officers. This would impact the four officers, not Chief Cobb or any civilian employees.

MOTION to amend the Town Handbook to allow for a 14-day, 80-hour work period as allowed by the Fair Labor Standards Act LSA for qualified employees made by Selectboard Member Dolan, seconded by Vice Chair Hathorn. Motion carried unanimously.

5. PUBLIC COMMENT

Chair Gottling opened public comment.

Tim Fenton, 68 Dowd Lane, spoke to the ownership of the bridge, saying research has shown it is part of the 72 Main Street property, which is owned by Main Street Partners. He expressed disappointment that the Cider Fest was cancelled.

Deb Pasculano, 323 Lake Avenue, a member of Main Street Partners, spoke to a quit claim deed recorded in October 2001 regarding easements granted for the bridge.

Chris Whitehouse spoke to anomalies between what New London has spent and what Sunapee has spent on specific items in the budget.

Norm Dalton, Burkehaven Hill Road, asked about the next steps the Town is going to take to fully open public parking access in Burkehaven.

Lisa Hoekstra spoke to the need for the Board to defend those who have less.

Michael Haxton, Fernwood Point, expressed support for the Selectboard and the work they are doing.

Chair Gottling closed public comment.

6. SELECTBOARD ACTION

There was no Selectboard action taken.

7. TOWN MANAGER REPORT

Ms. Martinez reviewed the Town Manager report, adding a report on recruiting for various open positions.

Ms. Martinez noted that budget season is now underway. She presented the proposed default budget along with the most recent expenditure report for the Board's review. Based on what she considered to be reasonable assumptions, and without making any substantive changes, she projected that the budget would reflect an approximate 9% increase.

The Board discussed alternatives to filling specific vacant Town positions, including the Code Compliance Officer, and the impact of not filling them. They also explored options for ambulance coverage. Ms. Martinez stressed the need not to overburden the Town staff any further, noting the budget cuts created a difficult situation this year. She also noted the need to continue to address infrastructure issues, protect the environment, comply with ordinances, and protect public safety. She reported on the results of an RFP to change the Town's health insurance.

8. SELECTBOARD MEMBERS' REPORTS

Selectboard Member Whipple noted the importance of paving infrastructure and fire safety, and that he would rather see raises for current Town employees than hiring more employees.

Selectboard Member Dolan suggested looking at the org chart to see if there is a way to do crossover, ensuring Ms. Traeger has a strong assistant so that she can handle the complex code compliance issues. It would be helpful to hire a good assistant for Ms. Martinez. He asked about treating dirt roads to keep down the dust.

Vice Chair Hathorn complimented the Town on the employee barbecue.

Chair Gottling complimented the Rec Director on his meeting with the Sunapee seniors.

9. OUTSTANDING ITEMS

There were no outstanding items to discuss.

10. NON-PUBLIC SESSION

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

MOTION to enter a non-public session made by Selectboard Member Dolan, seconded by Selectboard Member Gallup. A roll call vote was taken. Gottling - aye, Hathorn - aye, Gallup - aye, Dolan - aye, Whipple - aye. Motion carried unanimously.

Town Manager Shannon Martinez was also present during the non-public session.

The recording was stopped at 8:22 p.m.

The Board re-entered the public meeting at 8:43 p.m.

MOTION to leave the non-public session made by Selectboard Member Gallup, seconded by Selectboard Member Whipple. A roll call vote was taken. Gottling - aye, Hathorn - aye, Gallup - aye, Dolan - aye, Whipple - aye. Motion carried unanimously.

11. UPCOMING MEETINGS

- September 10: Energy Aggregation Committee Meeting – 5:30 p.m.
- September 11: Planning Board Meeting – 6:30 p.m.
- September 17 Recreation Committee Meeting – 7:00 p.m.
- September 18 Planning Board Meeting – 6:30 p.m.
- September 18 Board of Firewards Meeting - - 6:30 p.m.
- September 22 Selectboard Meeting – 6:30 p.m.
- September 24 Crother Chapel Committee Meeting - 4:00 p.m.
- September 25 Water and Sewer Commission Meeting – 5:30 p.m.
- September 30 Abbott library Trustees Meeting – 5 p.m.

12. ADJOURNMENT

MOTION made and seconded to adjourn the meeting. The motion carried unanimously.

The meeting was adjourned at 8:43 p.m.

Respectfully submitted,
Beth Hanggeli, Recording Secretary

RECEIVED

AUG 19 2025

TOWN OF SUNAPEE

APPLICATION FOR USE OF TOWN OF SUNAPEE FACILITIES

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

6 North Rd

Low Village Cemetery

Name of Organization:

Sunapee Historical Society

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

Name of Duly Authorized:

Betsy Rylander / Kela Emory

Mailing Address:

PO Box 501

Sunapee NH 03782-0501

Betsy cell 571-228-0603

Daytime Phone:

Kela Cell 603-727-2393

Evening Phone:

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

Sunday

Event Date:

9/21/25

9/28/25

Heavy Rain date

Time: From:

12:30

To:

3:30

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.

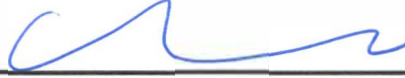
none Cemetery Walk

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 45ish # of people and 20ish # of vehicles attending our event. *parking at Smiths (Sunday) OK with school*

Signature of Responsible Individual  Date 8/19/25

Approved by Chief of Police _____ Date _____

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

Approved by Recreation Director (if applicable) _____ Date _____

Approved by Fire Chief (if applicable) _____ Date _____

Approved by Highway Director (if applicable) _____ Date _____

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

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

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

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

A white and black SUV with "SUNAPEE POLICE" written on the side, parked on a paved surface. The background shows a sunset or sunrise over a town with buildings and trees. A semi-transparent teal box is overlaid on the left side of the image, containing text.

Town of Sunapee

Sunapee Police Department

Request for 14-Day Work Period

Chief E. Neill Cobb
Sgt. Nicholas Boisvert

September 8, 2025

Request for 14-Day Work Period



- **Section 7(k) of the Fair Labor Standards Act (FLSA) provides that employees engaged in fire protection or law enforcement may be paid overtime on a "work period" basis. A "work period" may be from 7 consecutive days to 28 consecutive days in length.**
- **Current pay period for the Town of Sunapee is a 7 days (40 hrs. before OT).**
- **Request is for a 14-day pay period (80 hrs. before OT).**



Request for 14-Day Work Period



Current Policies

- **221 Paydays**

The weekly payroll period begins at 12:01 am on Thursday and ends at midnight on Wednesday of the following week.

- **225 Overtime**

All employees, except those designated as exempt from the provisions of the Fair Labor Standards Act, shall be paid overtime for all hours beyond forty (40) hours during a regular work-week and if required to work on a paid holiday.



SUNAPEE SELECTBOARD
MEETING AGENDA
Monday, September 8, 2025
6:30 PM - TOWN OFFICE MEETING ROOM

- 1. CALL SELECTBOARD MEETING TO ORDER**
- 2. REVIEW & APPROVE AUGUST 18th MINUTES**
- 3. REVIEW OF ITEMS FOR SIGNATURE:**

USE OF FACILITIES:

- Use of Lower Village Cemetery – Sunapee Historical Society – Cemetery Walk – September 21, September 28, 2025 – 12:30 PM – 3:30 PM

VETERANS CREDITS

- Parcel ID: 0209-0003-0000 – 237 Perkins Pond Road – Thomas H. Cheney & Rebecca J. Cheney Revocable. Trust

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Town Manager Martinez has reviewed and certified that the listed manifest, totaling \$1, 357,233.42 represent valid and properly processed charges for goods and/or services received by the Town of Sunapee. These charges have been verified as appropriate prior to submission to the Selectboard.

APPROVED LAND USE PERMITS: Since the last Selectboard meeting, 9 permits were approved, including 4 Land Disturbance Applications, 3 General CZC Applications, 1 Interior Renovation CZC, and 1 Alternative Energy System CZC.

4. APPOINTMENTS:

- Chief Neill Cobb and Sergeant Nicholas Boisvert: Proposal to Transition to an 80-hour pay cycle for Sunapee PD

5. PUBLIC COMMENT:

6. SELECTBOARD ACTION:

7. TOWN MANAGER REPORT:

- **Fall Ciderfest Update:** Planning for the inaugural Fall Ciderfest has been underway; however, organizers encountered several logistical challenges that prevent us from responsibly launching the event this fall. As a result, the Town will delay the inaugural Ciderfest until a future season, allowing more time to ensure the event is well-organized, safe, and sustainable for the community.
- **Staffing Update:** The Town is pleased to announce the appointment of our new Welfare Administrator, Alison Kinsman. She holds a Master's in Social Work and brings over 30 years of experience, including service as Social Services Director at New London Hospital and in multiple leadership roles as a Social Worker with New Hampshire Hospital. Her expertise will be an asset to the Town as we continue to support residents in need.
- **MS-434 Submission:** The Town has submitted its MS-434 to the Department of Revenue Administration (DRA). This report provides the State with the Town's estimated revenues for the current year and is a key step in the annual tax rate setting process. Submission of the MS-434 also marks the official start of budget season in Sunapee. Once DRA reviews the submission, we will be queued to receive the MS-434-R (DRA-approved revised revenues) and, subsequently, the much-anticipated 2025 tax rate.

Note that the MS-1 (Inventory of Valuation) has not yet been submitted as we requested an approved extension, and the MS-535 (Financial Report) is still in process—we expect to complete it within the next two weeks.

- **Budget Season Planning:**
 - **Meeting Schedule:**
 - September 22, 2025: Kick-Off to Budget Season: Selectboard Guidance to Town Manager
 - October 20, 2025: Working meeting with the Advisory Budget Committee
 - November 6, 2025: All Staff Budget Meeting with Selectboard
 - **Things to Consider:** Health Insurance, COLA, Default Budget
- **Legal Update: Debbie M. Samalis V. Town of Sunapee Planning Board:** The court affirmed the Planning Board's decision and dismissed Ms. Samalis's appeal.

8. SELECTBOARD MEMBERS' REPORT:

9. OUTSTANDING ITEMS:

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

11. UPCOMING MEETINGS:

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TOWN OF SUNAPEE

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

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Low Village Cemetery

Name of Organization:

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

Name of Duly Authorized:

Betsy Rylander / Kela Emory

Mailing Address:

PO Box 501

Sunapee NH 03782-0501

Betsy cell 571-228-0603

Daytime Phone:

Kela Cell 603-727-2393

Evening Phone:

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

Sunday

Event Date:

9/21/25

9/28/25

Heavy Rain date

Time: From:

12:30

To:

3:30

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.

none Cemetery Walk


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 45ish # of people and 20ish # of vehicles attending our event.

*parking at SMHS (Sunday)
OK with school*

Signature of Responsible Individual  Date 8/19/25

Approved by Chief of Police _____ Date _____

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

Approved by Recreation Director (if applicable) _____ Date _____

Approved by Fire Chief (if applicable) _____ Date _____

Approved by Highway Director (if applicable) _____ Date _____

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

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

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

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

THE STATE OF NEW HAMPSHIRE

**HILLSBOROUGH, SS.
NORTHERN DISTRICT**

SUPERIOR COURT

Debbie M. Samalis

v.

Town of Sunapee Planning Board

Docket No. 220-2025-CV-00022

ORDER

The plaintiff in this case, Debbie Samalis, proceeds *pro se* and appeals a decision by the Town of Sunapee (“Town”) Planning Board (“Planning Board”) that denied plaintiff’s request to modify a previously issued conditional site plan approval to convert her single-family residence into a commercial inn.

Upon consideration of the parties’ arguments and the applicable law, for the following reasons the decision of the Planning Board is AFFIRMED, and the plaintiff’s planning board appeal is DISMISSED.

Factual Background

The following facts are drawn from the certified record (“CR”) that was filed in this case. Doc. 14. Plaintiff owns certain property located at 70 West Court Road in Sunapee (“Property”). CR 71. The Property is located in the Rural Residential Zoning District. CR 107. Access to the Property is obtained via an easement over an old logging road across an adjoining property from West Court Road; the Property does not have direct access to a Class V or better road. CR 2-4, 26.

After purchasing the Property, plaintiff sought to improve her land by constructing a two-bedroom house. CR 2-4. Because the Property is accessed via a private road, however, and consistent with RSA 674:41, I(d), plaintiff executed an Agreement and Release Regarding Building Permit for Property Abutting a Private Road (“Agreement”). CR 9. The Agreement allowed the plaintiff to construct a single-family residence on the Property while at the same time agreeing that the Town assumes no responsibility for maintenance of the private road and no liability for any damages arising from the use of the road. Id. The plaintiff further agreed to be responsible for maintenance obligations and released the Town from any loss or damage arising from the failure to provide municipal services to the Property. CR 9-10. Thereafter, plaintiff constructed a two-bedroom single-family dwelling on the Property. CR 107.

Apparently inspired by her desire to establish a venue for weddings and other functions (CR 13, 18), by application dated March 3, 2024, plaintiff filed a sought a special exception from the Town’s Zoning Board of Adjustment (“ZBA”) to allow her to convert her single-family dwelling into an inn. CR 20. The ZBA granted such request in June 2024 subject to two conditions:

1. The property will be limited to use as a two-bedroom inn, in compliance with the approved septic system regulations set by the state. Any proposed increase in the inn's capacity is contingent upon a new review and operational approval of the property's septic system by the New Hampshire Department of Environmental Services (DES).
2. Access to the property must be maintained to a passable standard in all weather conditions.

CR 54. As the proposed use of the Property was changing from residential to commercial, site plan approval was also required from the Planning Board.

Plaintiff submitted her site plan review application on July 11, 2024. CR 58. The application included a paragraph concerning permission for inspection, where the plaintiff (as applicant) “hereby grant[ed] permission for site inspection to Planning Board official(s).” Id. at ¶ 8. Two members of the Planning Board visited the Property in advance of the public hearing on plaintiff’s site plan application. CR 87.

A public hearing was held on the application during the Planning Board’s meeting on October 10, 2024. CR 87. At such time, plaintiff asked the two members who conducted a site visit to recuse themselves. Both members declined the recusal request and sat on the application. CR 87. After the application was found to be complete, plaintiff spoke to her request and expressed feeling that the Agreement was unfair. CR 88. When public comment was taken, the owner of the neighboring property (the property over which plaintiff’s driveway crosses), spoke of concerns about plaintiff’s parking plan and that the proposed use would overburden plaintiff’s easement rights. CR 88. The Town Planner asked if the Planning Board was comfortable with the width of the driveway, as it narrowed to 11 feet wide at one spot and noted problems with a narrow driveway accessing a commercial venture. CR 89. During deliberations, the Planning Board agreed to require the access road to conform to commercial standards, which is 18-feet in width. CR 89. Ultimately, the Planning Board voted by 6-0-1 margin to approve the application subject to three conditions. CR 89. A Notice of Decision followed dated October 17, 2024, memorializing the conditions as follows:

1. No events shall be held at the Inn without prior approval from the Planning Board for an Amended Site Plan Review.
2. During use of the Inn, the parking shall be in the area designated on the approved site plan (“Condition 2”).

3. Access to the property will be brought to the standard of private roads per the Sunapee Subdivision Regulations to meet the 18' requirement ("Condition 3").

CR 90.

By application dated January 7, 2025, plaintiff subsequently sought an amendment of her approved site plan and asked the Planning Board to remove Condition 2 and Condition 3. CR 96. The application was heard by the Planning Board at its meeting on February 13, 2025. CR 110. Plaintiff explained that she was unable to expand the width of her driveway to 18 feet because it is a right-of-way through her neighbor's property. CR 111. Plaintiff asserted that other commercial driveways existed in Town that were not 18-feet wide and also took the position that the Planning Board could not dictate where her guests would park on her property. CR 111. During deliberations, the Planning Board agreed that a parking plan was necessary given the existence of on-site wetlands and the close proximity to the neighbor's property. CR 111. At this point in the discussion, plaintiff withdrew her request to amend Condition 2. CR 111. The Planning Board ultimately decided not to amend their prior approval by unanimous vote. CR 112. A written Notice of Decision was issued on February 20, 2025. CR 113.

Proceeding *pro se* throughout the entire process, plaintiff initiated her appeal with this Court on March 13, 2025. Docs. 1, 3, 4. Alongside her three-page form Complaint, plaintiff filed two attachments. Attachment 1 (Doc. 3) consists of a brief in support of her appeal. Attachment 2 (Doc. 4) is captioned as a Motion to Amend and seeks to include various documents as part of her Complaint.¹

¹ The Motion to Amend was never filed as a motion and was never brought before the Court. However, to the extent that the issue is somehow preserved, the Court addresses it here. Most of the documents that plaintiff seeks to append to her Complaint (including decisions, minutes, and the

The parties filed prehearing memoranda on June 19, 2025. Docs. 19-21. A hearing was held on June 26, 2025. At the hearing on the merits, the plaintiff sought to expand the record with six exhibits. These documents included building permits and other documentation concerning unrelated properties in Town, which plaintiff sought to include in support of her bias argument. The Court allowed the record to be expanded with two photos (marked as Plaintiff's Exhibit 1) as those images provided the Court with helpful background information on the Property and the state of the private driveway. The balance of the request was denied because it was untimely, the documents were not provided to the Town in advance of the hearing, and the documents were not before the Planning Board in its consideration of the underlying matter.

This decision follows.

Standard of Review

The Court's review of a planning board decision is limited. Mojalaki Holdings, LLC v. City of Franklin, 2024 N.H. 17, ¶ 8. Pursuant to statute, the Court "may reverse or affirm, wholly or partly, or may modify the decision brought up for review when there is an error of law or when the court is persuaded by the balance of probabilities, on the evidence before it, that said decision is unreasonable." RSA 677:15, V. "The [Court] must treat the factual findings of the planning board as prima facie lawful and reasonable and cannot set aside its decision absent unreasonableness or an identified

Agreement), were contained within the certified record. As such, those documents are already before the Court. There is one letter (that appears to be in draft form) addressed to the Town's Selectboard on behalf of the plaintiff concerning easement rights encumbering the Property. A review of that letter indicates that its substance is wholly unrelated to the instant matter. For these reasons, the Court finds no good cause to include it in the record and, thus, the Motion to Amend is DENIED.

error of law.” Anthony v. Town of Plaistow, 175 N.H. 762, 769–70 (2023). “The appealing party bears the burden of persuading the trial court that, by the balance of probabilities, the board’s decision was unreasonable.” TransFarmations, Inc. v. Town of Amherst, 175 N.H. 530, 535 (2022). “The [Court] determines not whether it agrees with the planning board’s findings, but whether there is evidence upon which its findings could have been reasonably based.” Id. (quotation omitted).

Analysis

In her appeal plaintiff contends that the Planning Board acted unreasonably when it imposed the conditions of approval. Doc. 1, ¶ 5. Plaintiff contends that there are no requirements regarding driveway width, except a 12-foot requirement where it meets the road. Id. at p. 2. Plaintiff further alleges that the Planning Board acted with prejudice and bias including when members took a site visit and when the board required her to comply with minimum width standards that do not apply to other commercial businesses in Town. Id. at p. 3.²

I. Whether Planning Board Members Were Biased or Prejudiced

Plaintiff’s bias/prejudice argument is expressed in two principal forms. First, plaintiff contends that two members of the Planning Board trespassed on the Property and had formed opinions about the application in advance of the public hearing. The

² Alongside her Complaint, plaintiff filed a brief in support of her Complaint that identified her questions presented. The Court assumes that each of those questions were sufficiently pled and preserved for the purposes of this decision. Those questions fall into the same two general categories identified above: whether members of the Planning Board was biased or prejudiced in their decision, and whether the Planning Board had authority to impose the conditions of approval.

That said, and although not articulated on the face of her Complaint (Doc. 1), in her brief, plaintiff also argues that Condition 3 imposes a hardship on her because she does not own the property over which her driveway passes. However, plaintiff neither sought waivers from the Planning Board nor a variance from the ZBA. As such, the issue of hardship is not currently before the Court on appeal.

Town argues that the Planning Board's decision was not based on bias or personal feelings.

RSA 673:14, I states that: "No member of a ... planning board . . . shall participate in deciding or shall sit upon the hearing of any question which the board is to decide in a judicial capacity if . . . that member would be disqualified for any cause to act as a juror upon the trial of the same matter in any action at law." "If it appears that any juror is not indifferent, he shall be set aside on that trial." RSA 500-A:12, II. "Our State Constitution demands that all judges be "as impartial as the lot of humanity will admit." N.H. Const. pt. I, art. 35. This applies similarly to members of boards acting in a quasi-judicial capacity." Winslow v. Holderness Planning Bd., 125 N.H. 262, 267 (1984).

Plaintiff points to the fact that two members of the Planning Board visited the Property after the site plan application was filed but before the Planning Board found the application complete. Plaintiff further asserts that those two members prejudged the application based on conduct at the site walk. Plaintiff offers no specifics why she believes that the two members who conducted a site visit prejudged the application. Moreover, the record reflects that the plaintiff assented to the site walk process when she filed her signed application. See CR 58 (including in the application form a paragraph granting permission for inspection, where the plaintiff "hereby grant[ed] permission for site inspection to Planning Board official(s)."). Other than plaintiff's general allegations, there is no evidence before the Court that supports plaintiff's allegations of board member bias. Moreover, the Court is aware of no law that would require a member of a local land use board to recuse themselves for conducting a site walk after an application has been filed but before the public hearing has taken place.

As such, the Court cannot conclude that this argument demonstrates that the Planning Board acted unreasonably or unlawfully.

Plaintiff also argues that the Planning Board was biased in imposing a minimum driveway width that was not imposed on other commercial businesses in Town. While not specifically framed as a selective or discriminatory enforcement claim, that appears to be the substance of this argument.³ “[T]o show that [a] town's enforcement was discriminatory, a plaintiff must show more than that it was merely historically lax. Instead, the plaintiff must show that the selective enforcement of the ordinance against him was a conscious intentional discrimination.” Andrews v. Kearsarge Lighting Precinct, No. 2021-0543, 2023 WL 5624723, at *6 (N.H. Aug. 31, 2023) (non-precedential order). In this case, simply put, the certified record contains no substantive evidence that the Town has engaged in conscious intentional discrimination. Plaintiff’s anecdotal arguments, which appear to be raised for the first time on appeal, are insufficient to satisfy her burden of proof.⁴ As such, the plaintiff fails to establish that the Planning Board erred on a theory of selective enforcement.

II. Whether the Conditions of Approval Were Lawful and Reasonable

Here, plaintiff contends that the conditions that the Planning Board imposed on her approval were unauthorized and unreasonable. The Town takes the position that the Planning Board may impose reasonable conditions when approving site plan applications and that the evidence in the record supports the conditions in this case.

³ The Court can discern no administrative gloss argument in plaintiff’s appeal.

⁴ The Town informally responds by asserting that the properties identified on appeal all abut public roads and, thus, are distinguishable from the Property, which does not front on a public road.

It is well understood, from both the enabling statute and case law, that a planning board has the authority to impose reasonable conditions upon the approval of a site plan. See RSA 676:4, I(c)(1), RSA 676:4, I(i) (conferring planning boards with the power to grant conditional approval of an application). See also Summa Humma Enters., LLC v. Town of Tilton, 151 N.H. 75, 78, 849 A.2d 146, 149 (2004) (“Nevertheless, the board has authority under site plan review to impose requirements and conditions that are reasonably related to land use goals and considerations within its purview.”). Thus, to the extent that plaintiff argues that the Planning Board lacked the overall ability to impose conditional approval of her site plan review application, such argument is not supported by the law.

The Court next addresses whether the 18-foot driveway width condition (referred to previously as Condition 3) was reasonable based on the facts of this case. To begin this analysis, the Court considers whether road width generally falls within the purview of a local planning board in context of the site plan review process. The Court answers this question in the affirmative. At a basic level, site plan review by a planning board

is designed to insure that uses permitted by a zoning ordinance are constructed on a site in such a way that they fit into the area in which they are being constructed without causing drainage, traffic, or lighting problems. Site plan review is also designed to assure that sites will be developed in a safe and attractive manner and in a way that will not involve danger or injury to the health, safety, or prosperity of abutting property owners or the general public.

Summa Humma, 151 N.H. at 78 (quotations omitted) (citing 15 P. Loughlin, New Hampshire Practice, Land Use Planning and Zoning § 30.01-.02 (2000)). Pursuant to statute, municipal site plan review regulations may specifically require streets of

sufficient width to accommodate traffic and access and may also require, in proper cases, the narrowing or widening of streets. See RSA 674:44, II(e)(f).

These principals are echoed in the Town's Site Plan Review Regulations ("Site Plan Regulations") and Subdivision Regulations. Article II of the Site Plan Regulations articulates the purpose of the regulations and states, in part, that "[t]he purpose of the Site Review Procedure is to protect the public health, safety, and welfare," to "prevent premature and uncoordinated development of land without the adequate provision of public services and facilities[, and] to ensure sound site utilization." Article VI of the Site Plan Regulations identifies review standards and criteria. Section VI(A) requires "[a]dequacy, safety and arrangement of vehicular traffic access and circulation including intersections, road widths, channelization structures and traffic controls." (Emphasis added.) More specific to this case, the Town's Subdivision Regulations impose a minimum traveled surface of 18 feet for average daily traffic of 0-100 vehicles per day. See Town Subdivision Regulations, Appendix A.

Plaintiff aptly points out that the Town's Driveway Regulations only impose a 12-foot minimum width requirement where a driveway meets the road. However, the Court notes that is a minimum requirement. More importantly, the record shows that the Planning Board expressed concern about the existing width of the private driveway in context of the proposed commercial inn (versus its use to access a private residence). CR 88-89. The 18-foot width was selected based on reference to the local subdivision road design requirements.

Here, the Court refers to the standard of review and observes that the Court's role is not to serve a so-called super planning board. Rather, the task at hand is to

determine whether evidence exists in the record upon which the findings could have been reasonably based. See TransFarmations, 175 N.H. at 535. In this case, the Planning Board required an access driveway width of at least 18 feet to service a proposed commercial inn, where the current driveway consists of an old logging road and is as narrow as 11-feet wide at some points, which precludes vehicles from passing each other. The Property is also subject to an existing waiver of municipal liability (the Agreement).

In light of the above, the Court cannot conclude that the Planning Board was unreasonable in denying plaintiff's request to strike Condition 3 from her site plan approval.

Conclusion

In light of the foregoing, the Court concludes that the plaintiff has not carried her burden of establishing that the Planning Board's decision was unlawful or unreasonable. See RSA 677:15. Accordingly, the Planning Board's decision is AFFIRMED, and the plaintiff's statutory appeal is DISMISSED.

So Ordered.

August 27, 2025
Date



Michael A. Klass
Presiding Justice

Clerk's Notice of Decision
Document Sent to Parties
on 08/27/2025

Record #	Record Type	Owner Name	Address	Approval Dates	Project Description	Permit Status
CZC-25-4513	Certificate of Zoning Compliance (CZC) Application	EDWARDS FAMILY REVOC LIVING TRUST EDWARDS, PETER & DIANE E	8 SUNNY LN, NH 03782	9/8/2025	PLACEMENT OF PRE-BUILT SHED - 10' X 14'	Granted
CZC-25-4512	Certificate of Zoning Compliance (CZC) Application	LOVELY FAMILY TRUST OF 2016 PETER R & MARTHA E LOVELY, TRUSTEES	100 BURMA RD, NH 03782	9/8/2025	ADDITION TO EXISTING SINGLE-FAMILY DWELLING, TOTAL OF 360 SQ FT TO BE ADDED	Granted
LD-25-670	Land Disturbance Application	LOVELY FAMILY TRUST OF 2016 PETER R & MARTHA E LOVELY, TRUSTEES	100 BURMA RD, NH 03782	9/8/2025	TEMPORARY DISTURBANCE OF 1500 SQ FT FOR THE BUILDING OF TWO ADDITIONS ON EXISTING SINGLE-FAMILY DWELLING AND MODIFICATION TO EXISTING DRIVEWAY.	Granted
LD-25-668	Land Disturbance Application	LAPIERRE REVOC TRUST DEAN & LYSANNE LAPIERRE TRUSTEES	326 BAY POINT RD, NH 03782	9/8/2025	ESTABLISH 4' WIDE PERVIOUS PATH, WOODEN STEPS, AND NATIVE PLANTINGS	Granted
CZC-25-4511	Certificate of Zoning Compliance (CZC) Application	NATAN, LEORA D.	542 JOBS CREEK RD, NH 03782	9/8/2025	REPLACEMENT OF EXISTING GENERATOR - 13KW GENERATOR AND INSTALLATION OF NEW TRANSFER SWITCH	Granted
LD-25-667	Land Disturbance Application	NATH-VINICK, STACEY VINICK, MICHAEL D	73 LAKE AVE, NH 03782	9/8/2025	REPLACEMENT OF EXISTING WALKWAY PER NH DES APPROVAL	Granted
LD-25-666	Land Disturbance Application	LICATA-GEHR 2003 REVOC TRUST, ELOISE E	55 LAKE AVE, NH 03782	9/8/2025	TEMPORARY DISTURBANCE OF 850 SQ FT WITHIN 50' OF LAKE FOR THE REPLACEMENT OF EXISTING LANDSCAPING AND STAIRS.	Granted
ICZC-25-15	Certificate of Zoning Compliance - Interior Renovation	MAIN ST PARTNERSHIP LLC	72 MAIN ST, NH 03782	9/8/2025	INTERIOR RENOVATION OF THE EXISTING COMMERCIAL BUSINESS TO INCLUDE REPLACEMENT OF WINDOWS, INSULATION, FLOORING, CEILING, AND WALLS.	Granted
AES-25-4	Alternative Energy Systems CZC	BOURDON-WARDLAW REVOC TRUST SALLY BOURDON & LYNNE WARDLAW, TRUSTEES	130 PINE RIDGE RD, NH 03782	9/8/2025	INSTALLATION OF A 12.18 KW ROOF-MOUNTED SOLAR ARRAY, 28 PANELS.	Granted



New Hampshire
Department of
Revenue Administration

2025
MS-434

Revised Estimated Revenues

Sunapee

(RSA 21-J:34)

For the period beginning January 1, 2025 and ending December 31, 2025

PREPARER'S CERTIFICATION

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

Name	Position	Signature
Shannon Martinez	Town Manager	

This form must be signed, scanned, and uploaded to the Municipal Tax Rate Setting Portal:
<https://www.proptax.org/>

For assistance please contact:
NH DRA Municipal and Property Division
(603) 230-5090

<https://www.revenue.nh.gov/about-dra/municipal-and-property-division/municipal-bureau>



Revised Estimated Revenues

Account	Source	Article	Estimated Revenue
Taxes			
3120	Land Use Change Taxes for General Fund	14	\$8,738
3180	Resident Taxes		\$0
3185	Yield Taxes	14	\$2,446
3186	Payment in Lieu of Taxes		\$0
3187	Excavation Tax		\$0
3189	Other Taxes		\$0
3190	Interest and Penalties on Delinquent Taxes	14	\$38,000
	Taxes Subtotal		\$49,184
 Licenses, Permits, and Fees			
3210	Business Licenses and Permits	14	\$1,000
3220	Motor Vehicle Permit Fees	14	\$1,225,062
3230	Building Permits	14	\$77,000
3290	Other Licenses, Permits, and Fees	14	\$30,178
	Licenses, Permits, and Fees Subtotal		\$1,333,240
 From Federal Government			
3311	Housing and Urban Development		\$0
3312	Environmental Protection		\$0
3313	Federal Emergency		\$0
3314	Federal Drug Enforcement		\$0
3319	Other Federal Grants and Reimbursements		\$0
	From Federal Government Subtotal		\$0
 State Sources			
3351	Shared Revenues - Block Grant		\$0
3352	Meals and Rooms Tax Distribution	14	\$329,280
3353	Highway Block Grant	14	\$85,414
3354	Water Pollution Grant	14	\$13,000
3355	Housing and Community Development		\$0
3356	State and Federal Forest Land Reimbursement		\$0
3357	Flood Control Reimbursement		\$0
3359	Railroad Tax Distribution		\$0
3360	Water Filtration Grants		\$0
3361	Landfill Closure Grants		\$0
3369	Other Intergovernmental Revenue from State of NH		\$0
3379	Intergovernmental Revenues - Other	14	\$148,260
	State Sources Subtotal		\$575,954



Revised Estimated Revenues

Account	Source	Article	Estimated Revenue
Charges for Services			
3401	Income from Departments	14	\$33,633
3402	Water Supply System Charges		\$0
3403	Sewer User Charges		\$0
3404	Garbage-Refuse Charges		\$68,724
3405	Electric User Charges		\$0
3406	Airport Fees		\$0
3409	Other Charges	14	\$3,200
Charges for Services Subtotal			\$105,557
Miscellaneous Revenues			
3500	Special Assessments		\$0
3501	Sale of Municipal Property		\$0
3502	Interest on Investments	14	\$90,000
3503	Rents of Property		\$30,000
3504	Fines and Forfeits		\$0
3506	Insurance Dividends and Reimbursements		\$0
3508	Contributions and Donations		\$0
3509	Revenue from Misc Sources Not Otherwise Classified	14	\$0
Miscellaneous Revenues Subtotal			\$120,000
Interfund Operating Transfers In			
3911	From Revolving Funds		\$0
3912	From Special Revenue Funds	,30	\$0
3913	From Capital Projects Funds		\$0
3914A	From Airport Proprietary Fund		\$0
3914E	From Electric Proprietary Fund	14	\$273,482
3914O	From Other Proprietary Fund		\$0
3914S	From Sewer Proprietary Fund	14	\$1,379,996
3914W	From Water Proprietary Fund	14	\$610,898
3915	From Capital Reserve Funds		\$0
3916	From Trust and Fiduciary Funds		\$0
3917	From Conservation Funds		\$0
Interfund Operating Transfers In Subtotal			\$2,264,376
Other Financing Sources			
3934	Proceeds from Long-Term Notes/Bonds/Other Sources		\$0
Other Financing Sources Subtotal			\$0
Total Revised Estimated Revenues and Credits			\$4,448,311



Revised Estimated Revenues Summary

Subtotal of Revenues		\$4,448,311
Unassigned Fund Balance (Unreserved)	\$0	
(Less) Emergency Appropriations (RSA 32:11)	\$0	
(Less) Voted from Fund Balance	\$525,411	
(Less) Fund Balance to Reduce Taxes	\$250,000	
Fund Balance Retained	(\$775,411)	
Total Revenues and Credits		\$5,223,722
Requested Overlay	\$0	

Request for 14-Day Work Period

Benefits

- Reduction in overtime
- Flexibility of scheduling
- Improved work-life balance
- Consistent with work-life balance initiatives of the Town
- Coincides with the Town's biweekly payroll



Request for 14-Day Work Period



Requested motion:

- To amend the Town Handbook to allow for a 14-day, 80 hour, work period as allowed by the Fair Labor Standards Act (FLSA) for qualified employees.



Questions?

