

LEGISLATIVE COMMITTEE MINUTES

SB244

Bill as
Introduced

SB 244 - AS INTRODUCED

2022 SESSION

22-2935

08/11

SENATE BILL **244**

AN ACT relative to non-conforming structures and variances.

SPONSORS: Sen. Cavanaugh, Dist 16

COMMITTEE: Election Law and Municipal Affairs

ANALYSIS

This bill makes allowances for certain non-conforming structures and makes changes to the definition of subdivision.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears [~~in brackets and struckthrough~~].
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT relative to non-conforming structures and variances.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 New Paragraph; Non-conforming Structures; Conversion. Amend RSA 674:72 by inserting
2 after paragraph X the following new paragraph:

3 XI. Subject to the provisions of this chapter, an existing non-conforming structure shall be
4 allowed to be converted to an accessory dwelling unit provided the nonconformities are not
5 increased.

6 2 Powers of Zoning Board of Adjustment; Special Conditions Removed. Amend RSA 674:33,
7 I(b)(2) to read as follows:

8 (2) If the criteria in subparagraph (1) are not established, an unnecessary hardship
9 will be deemed to exist if, and only if, [~~owing to special conditions of the property that distinguish it~~
10 ~~from other properties in the area,~~] the property cannot be reasonably used in strict conformance with
11 the ordinance, and a variance is therefore necessary to enable a reasonable use of it.

12 3 Subdivision; Definitions. Amend RSA 485-A:2, XIII to read as follows:

13 XIII. "Subdivision" means the division of a tract or parcel of land into 2 or more lots, tracts,
14 or parcels for the purpose, whether immediate or future, of sale, rent, lease, building development, or
15 any other reason; provided, however, that sale or other conveyance which involves merely an
16 exchange of land among 2 or more owners and which does not increase the number of owners, and on
17 which no sewage disposal system is to be constructed shall not be deemed a subdivision for the
18 purposes of this chapter. Without limiting the generality of the foregoing, subdivision shall include
19 re-subdivision, and, in the case of a lot, tract or parcel previously rented or leased, the sale,
20 condominium conveyance, or other conveyance thereof; provided however that a re-subdivision of lots
21 in previously approved subdivisions, where lot lines are relocated to conform to necessary changes in
22 the plans because of errors in a survey or new street, access or siting requirements, or errors in
23 building locations, and where the lot sizes are not substantially altered shall not be deemed a
24 subdivision for the purposes of this chapter; and provided further that a re-subdivision in which
25 previously approved lots are grouped together to form larger lots shall not be deemed a subdivision
26 for the purposes of this chapter. The division of a parcel of land held in common and subsequently
27 divided into parts among the several owners shall be deemed a subdivision under this chapter. *The*
28 *conversion of existing improvements, whether conforming or otherwise, to the*
29 *condominium form of ownership shall not be deemed a subdivision under this chapter*
30 *provided the conversion does not increase the number of existing bedrooms or expand the*
31 *footprints of existing structures.*

SB 244 - AS INTRODUCED

- Page 2 -

1 4 Effective Date. This act shall take effect 60 days after its passage.

Amendments

Sen. Cavanaugh, Dist 16
January 24, 2022
2022-0220s
08/11

Amendment to SB 244

1 Amend the bill by inserting after section 3 the following and renumbering the original section 4 to
2 read as 5:

3

4 4 Detached Accessory Dwelling Units. Amend RSA 674:73 to read as follows:

5 674:73 Detached Accessory Dwelling Units. A municipality is not required to but may permit
6 detached accessory dwelling units. Detached accessory dwelling units shall comply with the
7 requirements of, and any municipal ordinances or regulations adopted pursuant to, RSA 674:72, IV
8 through IX, ***and the primary building setback established in RSA 483-B:9, II(b) when located***
9 ***within protected shorelands***. If a municipality allows detached accessory dwelling units, it may
10 require an increased lot size.

Committee Minutes

SENATE CALENDAR NOTICE
Election Law and Municipal Affairs

Sen James Gray, Chair
Sen Regina Birdsell, Vice Chair
Sen Ruth Ward, Member
Sen Donna Soucy, Member
Sen Rebecca Perkins Kwoka, Member

Date: January 18, 2022

HEARINGS

Monday

01/24/2022

Election Law and Municipal Affairs	State House 100	1:00 p.m.
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(Name of Committee)	(Place)	(Time)
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1:00 p.m.	SB 243	permitting transfer on death deeds for real property.
1:15 p.m.	SB 244	relative to non-conforming structures and variances.
1:30 p.m.	SB 245	establishing a committee to study agreements between developers and municipalities on municipal trash removal fees paid by condominium owners and renters.
1:45 p.m.	SB 246	relative to qualified private communities.
2:00 p.m.	SB 425-FN	relative to the establishment of an election information portal.
2:20 p.m.	SB 427-FN	modifying the absentee voter registration process, absentee ballot application, and absentee ballot voting process.

EXECUTIVE SESSION MAY FOLLOW

Sponsors:

SB 243

Sen. D'Allesandro

Sen. Cavanaugh

Rep. B. Griffin

SB 244

Sen. Cavanaugh

SB 245

Sen. Sherman

Sen. Watters

Sen. Soucy

Rep. Mangipudi

Rep. Guthrie

SB 246

Sen. Birdsell

Sen. Carson

Rep. W. MacDonald

SB 425-FN

Sen. Gray

Sen. Bradley

Sen. Daniels

Sen. Avard

Sen. Ward

Sen. Birdsell

Sen. French

Sen. Perkins Kwoka

Sen. Soucy

Sen. Watters

Sen. Sherman

SB 427-FN

Sen. Soucy

Sen. Whitley

Sen. Rosenwald

Sen. Watters

Sen. Sherman

Sen. Perkins Kwoka

Sen. Cavanaugh

Sen. Prentiss

Sen. D'Allesandro

Sen. Kahn

Rep. Cote

Tricia Melillo 271-3077

James P. Gray
Chairman

Senate Election Law and Municipal Affairs Committee
Tricia Melillo 271-3077

SB 244, relative to non-conforming structures and variances.

Hearing Date: January 24, 2022

Members of the Committee Present: Senators Gray, Birdsell, Ward, Soucy and Perkins Kwoka

Members of the Committee Absent : None

Bill Analysis: This bill makes allowances for certain non-conforming structures and makes changes to the definition of subdivision.

Sponsors:
Sen. Cavanaugh

Who supports the bill: Senator Kevin Cavanaugh, John Cronin, Len Galvin, Jill Galvin, Chris Norwood, Robert Ouellete, Lori Ouellete, Ric Ouellete

Who opposes the bill: Natch Greyes (NHMA), Philip Trowbridge (DES)

Summary of testimony presented in support:

Senator Kevin Cavanaugh

- This legislation was the request of his constituent Attorney John Cronin.
- The bill makes allowances for certain non-conforming structures and makes changes to the definition of subdivision.
- After speaking to the department last week, he is now offering an amendment to the first section, #0220s.
- He knows the department had some more questions and he is willing to amend the other two sections if it will help both sides come to a compromise.
- Senator Perkins Kwoka asked what the problem is that this legislation tries to solve.
 - Senator Cavanaugh replied that with the amendment, if there was a primary structure and you had another building closer to the water front it would protect the shore line.

John Cronin

- This bill is supported by people within both parties.
- There are three independent parts to the legislation.
- The first section deals with Accessory Dwelling Units and is not very controversial.
- In his practice he has come across cases where people have an outbuilding that was built long ago and may not need a current setback.
- Current zoning may have changed to say the setback is now 20ft from the side yard line, where this building is at 15ft but has been there for a long time.
- Some communities say they can't consider an ADU because it is not consistent with current zoning.
- He agrees with the goal of the amendment but has some concerns with the language.
- He believes that DES does not mind about some of the remote side setbacks away from the water, which a great majority of these ADUs are.
- They do not want someone that has an ADU 25ft from the waterline converting it to living space.

- He has no problem with that and believes they can accommodate DES with that request and make it a win/win situation.
- The second section of the bill relates to the special conditions category and unnecessary hardship.
- In this special conditions language section, a lot of Judges have problems with it but local communities understand it and can manage it.
- The variance test has five prongs to it and someone seeking a variance has to show, that it is in the public interest, the spirit of the ordinance, will grant substantial justice, will not diminish the value of surrounding properties and that there is an unnecessary hardship.
- They are not seeking to remove any of those.
- The special conditions language is a vague and subjective standard and it is very hard to understand.
- They are just looking to strike the special conditions language which is confusing it will not take away any power from the municipalities as the five conditions for a variance will still exist.
- He believes this is a housekeeping measure.
- Subsection 13 relating to subdivisions is the most substantive and the one that will have the most impact to property owners.
- It is not property specific legislation as there are a number of old cabin communities on the lakes in NH.
- There is a property called Sandy Point, in Alton, owned by the Ouellete family for three generations.
- Development started there in the late 20s.
- They have had a restaurant and a lot of different improvements made to the property over the years.
- He explained the binder of information that he gave the committee.
- Tab 1 is support from Representative Varney.
- Tab 2 is the over 100 signatures from supporters of the bill.
- Tab 3 is the Condominium Act which allows conversion of existing improvements.
- Tab 4 is tax information.
- The family was approached by a NH developer who was interested in buying their property.
- They came to an understanding with the family that the price range would be about 12.5 million.
- The current assessment of the property is 2.6 million and generates about \$29,000 in tax revenue per year.
- If these building were allowed to be converted to condominiums, there would be additional capital improvement to renovate the existing buildings, remove the restaurant, add green space and a brand new septic system.
- If this is redeveloped the septic system will be about 75% compliant when it is now only about 25% because of its age.
- They have talked to DES and the town of Alton has looked favorably on this project.
- DES told him that they cannot provide a waiver for this because it relates to the definition of a subdivision.
- This cries out for a waiver because there is no affect to the water quality per the impact studies.
- All they are asking in this bill is that the definition of subdivision not apply to the conversion to condominium of an existing structure, provided that the building footprint nor the number of bedrooms are increased.
- They believe this bill will have tremendous impact of tax revenue not only on this property but many others, without a tremendous impact on services.
- Senator Perkins Kwoka asked what his concerns were on the amendment.
- Mr. Cronin replied that the amendment takes out the language that they had proposed to allow existing, non-conforming structures to be converted to accessory dwellings. His thought was that they could add, 50ft beyond the reference line and that would satisfy DES.

- Senator Perkins Kwoka asked what he is referencing when he says “non-conforming”, the lot, the structure or both.
 - Mr. Cronin replied he means non-conforming to municipal ordinances.
- Senator Perkins Kwoka asked if is intended for the structure or the lot or both.
 - Mr. Cronin answered both.
- Senator Perkins Kwoka commented that section two is a big change as it takes away some authority from the zoning board and its adjudicatory function to determine when there may be special conditions to approve a variance and asked what justification is there to make this change.
 - Mr. Cronin replied that there are very few cases that focus on special conditions and most of them look at the hardship prongs specifically and they are not trying to eradicate that.
- Senator Perkins Kwoka asked him to clarify if in most cases, under most ordinances conversion to condominiums would not trigger a subdivision.
 - Mr. Cronin replied that 356:B has a specific section on that. It prohibits municipalities from refusing to allow a property owner to convert to a condominium form of ownership but that does not extend to the state or legislative bodies.
- Senator Ward stated that they are discussing the conversion of a building to condominiums and asked what that has to do with the amendment and dealing with ADUs.
 - Mr. Cronin answered that they are not related all. The three sections are of the bill are independent of each other.
- Senator Gray asked if this conversion causes a property to be more non-conforming he does not see why they should take the planning people of a town or city out of the process.
 - Mr. Cronin replied that this does not. In the zoning statute it allows communities to review condominium conversions. It is not the goal of this bill to make anything more non-conforming. There is no language or intent to deprive the municipality from the review that they currently undertake.
- Senator Gray asked if all of the conditions that DES would want in a septic system for this type of community would be covered.
 - Mr. Cronin replied that the DES rules on septic systems are generated by soil quality and lot area. It takes into consideration, bedrooms, kitchens and sinks but all of the density is based on bedrooms. That is why in the language there are no increase in bedrooms or footprints.
- Senator Gray asked if it is never going to comply with the new laws, why would he want to approve it without either reducing the number of buildings so that at some point it would come into compliance.
 - Mr. Cronin replied that as with many others, the septic will then stay the same as it is, with an old system cleaned and maintained and the goal here is to improve.

Len Galvin

- There are many properties around the state that are beautiful but have facilities and utilities that have aged over time.
- These properties continue to be lived in or be operated as businesses using existing infrastructure that are substandard to today’s technology.
- This bill will help bring them up to today’s standards by allowing developers to repurpose old properties into newer homes and condominiums.
- There are many homes and businesses that will keep the same inferior systems going until they fail.
- SB 244 will help our states housing challenges and help upgrade facilities to conform to the codes of today.

Jill Galvin

- Since 1929 her family have done their best to maintain and upgrade the property as needed.
- This bill will allow the property to be updated and closer to conformity.
- Allowing the conversion would have a positive impact on the town tax base, the environment, and aesthetically improve some of the aging buildings.
- They are not able to provide the work that needs to be done to improve the property.
- The septic system is very dated and it needs a complete overhaul.
- A condominium community would give the property new life and love that they are unable to provide.
- They have well over 200 signatures in support.

Chris Norwood – Association of Realtors

- He is in favor of the first section and the amendment with a little tweaking is a reasonable solution.
- In general, they are for private property rights and if there is an old building in the setback that could have future use as an ADU, this is reasonable proposal.
- In section 2, he agrees that removing the special conditions language will allow for better clarity.
- With the existing improvements, it basically codifies that a subdivision is not triggered by a condominium conversion.

Summary of testimony presented in opposition:

Natch Greyes – NH Municipal Association

- They do not have any issues with the first section as long it is not going to expand the non-conformity, it is not a big change.
- They are opposed to the second section regarding variances.
- Variances are only granted because of the special conditions of a property.
- If this change were to go through it would significantly relax the granting of variances under 674:33-I-B2.
- It would not change the standard under I-B1 but it could have a substantial change in how the zoning board operates.
- This is not a municipal problem it is a training problem with Superior Court Judges.
- They do not think it is fair to change the rules for municipalities when they are clearly following the law.
- They are concerned with how section three will function in reality.

Philip Trowbridge – NH DES

- Section four of the bill proposes to change the definition of subdivision by excluding condominium conversions if there are no changes to the structure or the number of bedrooms.
- They do not agree with this change.
- Any subdivision of land that is not served by municipal water and sewer needs to get a septic system approval from DES.
- For this approval, DES needs to look at can whether or not the lot on which the structures are located can manage and treat all the wastewater generated.
- The review process is important in order to protect the interests of the buyer, public health and water quality.
- The vast majority of homes in our state use wells for drinking water and if you have a septic system that does not meet state standards now, it puts the property owner as well as their neighbors at risk of illness.

- Failed septic systems release nutrients in surface waters resulting in problems like algae blooms.
- They often see proposals for condominium conversions to old waterfront camps that have multiple cabins.
- In most cases the lot is too small and the septic system does not meet state standards.
- When the septic systems on these properties fail, they need to be replaced with one that meets current state standards.
- This creates two problems it may be impossible to put a septic system on the property that meets the lot loading requirements and the newer systems may require more lot space.
- A single home owner can make decisions and adjustments to meet requirements.
- Once the property is converted to multiple owners may make making those adjustments impossible.
- They think it is the responsible thing for everyone involved to obtain the septic approval before beginning the condominium conversion.
- In some cases, septic systems don't fail but that is because they are in failure.
- DES feels that identifying systems during a condominium conversion is the best way to protect public health and the environment.
- He agrees that it is better to make improvements to an old system than to leave it in failure.
- The problem with doing that is there are certain setbacks and other requirements that DES is not allowed to wave.
- If a developer is making the septic system only 75% compliant DES would need to wave one of those requirements which they are not allowed to do for anyone else.
- DES recommends SB 244 be approved only if the definition of subdivision is removed.

TJM

Date Hearing Report completed: January 31, 2022

Speakers

Senate Remote Testify

Election Law and Municipal Affairs Committee Testify List for Bill SB244 on 202

Support: 1 Oppose: 0

<u>Name</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>
Pollack, Ari	A Lobbyist	NH Homebuilders	Support

Testimony



The State of New Hampshire
Department of Environmental Services



Robert R. Scott, Commissioner

January 21, 2022

The Honorable James Gray
Chairman, Election Law and Municipal Affairs Committee
State House, Room 100
Concord, NH 03301

RE: SB 244, AN ACT relative to non-conforming structures and variances.

Dear Chairman Gray and Members of the Committee:

Thank you for the opportunity to comment on SB 244. This bill makes allowances for certain non-conforming structures by amending RSA 674:72 with regard to accessory dwelling units (ADU) and makes changes to the definition of subdivision in RSA 485-A:2, VIII. The New Hampshire Department of Environmental Services (NHDES) supports the portion of the bill regarding ADUs with a suggested amendment discussed below. NHDES has concerns about the portion of the bill relative to changes to the definition of subdivision.

The bill proposes to amend the language in RSA 674:72 regarding ADUs. NHDES supports this proposed change provided that the requirements in RSA 674:72, V, regarding water supply and sewage disposal, continue to apply to the ADU conversion. In addition to the proposed amendment, NHDES suggests modifying the language of RSA 674:73, Detached Accessory Dwelling Units, to read:

"A municipality is not required to but may permit detached accessory dwelling units. Detached accessory dwelling units shall comply with the requirements of, and any municipal ordinances or regulations adopted pursuant to, RSA 674:72, IV through IX **and the primary building setback established in RSA 483-B:9, II, (b) when located within protected shorelands**. If a municipality allows detached accessory dwelling units, it may require an increased lot size."

This change would be beneficial to both homeowners and municipalities by calling attention to existing legal requirements earlier in the planning stages of projects. This will prevent the loss of time and avoid costs by ensuring that owners are informed and investing in design proposals that are not prohibited by overlapping, existing law.

The bill also proposed to amend RSA 485-A:2, XIII regarding the definition of subdivision. NHDES has concerns about this portion of the bill. Currently, the definition of Subdivision in RSA 485-A:2, XIII requires subdivision approval from NHDES be obtained prior to converting an existing single owner property to a condominium. The purpose of the subdivision approval process is, in part, to determine if the lot on which the structure(s) is located can manage and treat all the wastewater generated. It is important to maintain this requirement for NHDES

www.des.nh.gov

29 Hazen Drive • PO Box 95 • Concord, NH 03302-0095

NHDES Main Line: (603) 271-3503 • Subsurface Fax: (603) 271-6683 • Wetlands Fax: (603) 271-6588

TDD Access: Relay NH 1 (800) 735-2964

The Honorable James Gray
Chairman, Election Law and Municipal Affairs Committee
January 21, 2022
Page 2

subdivision approval of condominium conversions in order to protect the interests of the buyer, public health and water quality.

A prime example of why NHDES subdivision approval of condominium conversions is important is with existing, grandfathered (existing prior to applicable regulations) cabin resorts that are owned by one individual or company. Typically, these cabin resorts were built on substandard lots where the wastewater load generated by the cabins exceeds the lot's capacity to adequately manage and treat the wastewater. In addition, many of the sewage or waste disposal systems (septic systems) supporting the cabins also pre-date current regulations and laws promulgated in 1967. A septic system that pre-dates those laws would now be at least 55 years old with the possibility that the system no longer meets current standards and/or adequately treats wastewater.

Septic systems have a finite lifespan and, when these grandfathered systems fail, they often must be replaced with much larger systems to meet current standards. RSA 485-A:33, IV only allows for the replacement of a septic system, "in-kind" if the system being replaced was previously state approved. If a septic system(s) needs to be replaced and/or relocated to meet current standards, and the property is owned by one individual or company, that individual or company can manage the property to take whatever steps are needed to accommodate the new, larger system. This may include the removal of a structure to reduce the wastewater load or to properly locate the system on the lot to meet current standards. Conversely, if the cabins are converted to condominiums and each cabin is owned individually, the individual property rights may make it impossible to find a place to construct a replacement system that accommodates all properties on site. In such a case, it is likely that one or more of the individual properties would not be able to site a septic system to meet their needs. Therefore, requiring subdivision approval for a condominium conversion ensures the purchaser is buying a property that can meet all applicable laws and rules relative to wastewater management.

Having compliant, functioning septic systems is crucial to protecting the groundwater and water quality in lakes, ponds, and streams. Considering the large percentage of private drinking water wells in the State of New Hampshire, protecting the groundwater is critical to the protection of human health. Further, many cabin resorts referenced above are located on lakes, ponds, and rivers throughout the State of New Hampshire. Compliant, functioning septic systems play a significant role in protecting these very important resources.

Thank you again for the opportunity to comment on this legislation. If you have questions or need additional information, please contact Robert Tardif, Subsurface Systems Bureau Administrator at 603-271-2904 or robert.a.tardif@des.nh.gov or Darlene Forst, Wetlands Bureau Administrator at 603-271-4054 or darlene.c.forst@des.nh.gov.

Sincerely,



Robert R. Scott
Commissioner

ec: Sponsor of SB 244: Senator Cavanaugh

PETITION IN SUPPORT OF SENATE BILL 244

The undersigned, all being residents and voters in the State of New Hampshire, hereby express their support for the passage of Senate Bill 244 to allow pre-existing, non-conforming structures to be converted to condominiums, provided there is no expansion of the building footprint or number of bedrooms.

Your vote to pass the bill is requested.

Dated on or near January 19, 2022.

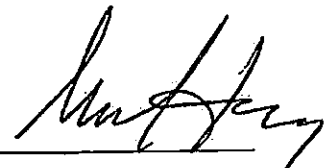
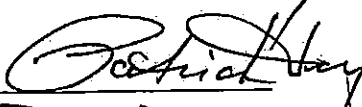
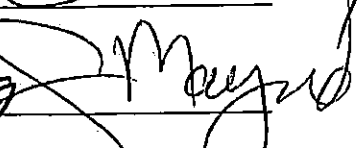
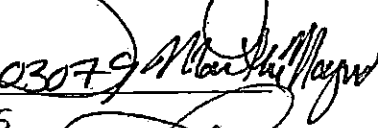
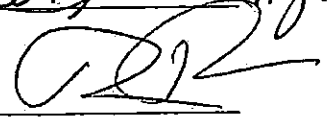
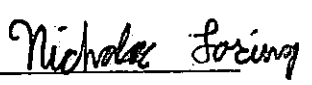

- Alan B. Burt 641 Prospect Mt. Road. Alton NH 603-409-2249
Name, Address & Phone Number
- Mary L. Barrett 641 Prospect Mt Rd Alton NH 603 630 9052
Name, Address & Phone Number
- Sylvia S. Barrett 18 Dobbins Way ALTON, N.H. 603-859-~~010~~
0107
Name, Address & Phone Number
- Norman E. Barrett 18 Dobbins Way Alton NH 603-859-010.
Name, Address & Phone Number
- Catherine A. Arsen 574 Stockbridge Corner Rd Alton, NH 603-496-3452
Name, Address & Phone Number
- Duo Ouellette 355 Rand Hill Rd Alton Bay, NH 03810 (603) 630-7111
Name, Address & Phone Number
- Alexis Ouellette 355 Rand Hill Rd Alton Bay N.H. 03810 603 875 2091
Name, Address & Phone Number
- Kimberly E. King 68 Dan Kelley Dr Alton Bay NH 03810 603-804-8911
Name, Address & Phone Number
- Debra Sandhage 68 Dan Kelley Dr. Alton Bay, NH 03810 (603) 345-6521
Name, Address & Phone Number
- Brianna Ouellette 59 Crown Point Dr. Dover NH 03800 603-998-6039
Name, Address & Phone Number
- Denise Bassett 26 Spring Street, Alton Bay NH (603)
387-6111
Name, Address & Phone Number

PETITION IN SUPPORT OF SENATE BILL 244

The undersigned, all being residents and voters in the State of New Hampshire, hereby express their support for the passage of Senate Bill 244 to allow pre-existing, non-conforming structures to be converted to condominiums, provided there is no expansion of the building footprint or number of bedrooms.

Your vote to pass the bill is requested.

Dated on or near January 19, 2022.

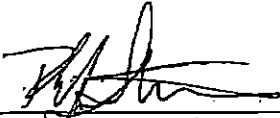
- 603 234 6779 
MARK E HARVEY 18 NH RT 11D ALTON NH 03810
Name, Address & Phone Number
- 603 475 5116 
PAT HARVEY 18 NH RT 11D ALTON NH 03810
Name, Address & Phone Number
- 603 560 4678 
JOSEPH MAYNARD 5 BAILEY RD SALEM NH 03079
Name, Address & Phone Number
- 603 560 4679 
MARTHA L MAYNARD 5 BAILEY RD SALEM NH 03079
Name, Address & Phone Number
- 603 540 0385 
RANDY CARON 67 JENKINS RD BEDFORD NH 03110
Name, Address & Phone Number
- Nicholas Loring 15 King George Dr. Londonderry NH 03053 
Name, Address & Phone Number
- 603 475 0197 
DAVE HARVEY 11 DOIRON ROAD WINDHAM 03088
Name, Address & Phone Number
- _____
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PETITION IN SUPPORT OF SENATE BILL 244

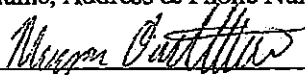
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Dated on or near January 19, 2022.

 15 Church St Alton NH 03809 603-875-5550
Name, Address & Phone Number

Benjamin A Bissett 26 Spring St Alton Bay NH (865) 405-2125
Name, Address & Phone Number

 355 Rand Hill Rd Alton Bay NH 03810 603-832-3141
Name, Address & Phone Number

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Dated on or near January 19, 2022.

Kara Chase 41 Christy Lane Belmont, NH 03220

Name, Address & Phone Number

CON TESSIER 25 POOR FARM RD GILFORD NH 03249

Name, Address & Phone Number

Reuben Bassett 48 Howard Rd Gilmanton Fw 03837

Name, Address & Phone Number

Tracy Jenkins 6 Cumberland #31 Gilford 03249

Name, Address & Phone Number

MIKE TESSIER 25 POOR FARM RD GILFORD NH 03249

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

PETITION IN SUPPORT OF SENATE BILL 244

The undersigned, all being residents and voters in the State of New Hampshire, hereby express their support for the passage of Senate Bill 244 to allow pre-existing, non-conforming structures to be converted to condominiums, provided there is no expansion of the building footprint or number of bedrooms.

Your vote to pass the bill is requested.

Dated on or near January 19, 2022.

Chris Drescher, 8 Skyline Drive, Brookline, NH 03033
Name, Address & Phone Number

Hinda Augen, 32 Donna Dr., Pembroke, NH 03275 (603) 340-3106
Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

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Your vote to pass the bill is requested.

Dated on or near January 19, 2022.

JOHN DREW GILSA LA COMAO 603-498-1066

Name, Address & Phone Number

Liam O'Brien 21 Sanborn Rd. Concord 603-717-8038

Name, Address & Phone Number

Carolyn O'Brien 21 Sanborn Rd. Concord 603-410-9837

Name, Address & Phone Number

Colin O'Brien 21 Sanborn Rd. Concord 603-224-6260

Name, Address & Phone Number

Helen O'Brien 1 Merrill Lane Concord 603-219-0263

Name, Address & Phone Number

Yeri Cleary 54 Carmel Dr. Plymouth 603-536-5385

Name, Address & Phone Number

Rebecca Dutcher 4 Cedar Lane Bow 603-540-6171

Name, Address & Phone Number

Derek Dutcher 4 Cedar Lane Bow 603-724-3825

Name, Address & Phone Number

Mary Hogan 4 Merrill Lane Concord 603-315-3800

Name, Address & Phone Number

Quinn Hogan 4 Merrill Lane Concord 603-315-3801

Name, Address & Phone Number

IZABEL STEINER 30 OAKMOUNT CONCORD 603 345 6440

Name, Address & Phone Number

PETITION IN SUPPORT OF SENATE BILL 244

The undersigned, all being residents and voters in the State of New Hampshire, hereby express their support for the passage of Senate Bill 244 to allow pre-existing, non-conforming structures to be converted to condominiums, provided there is no expansion of the building footprint or number of bedrooms.

Your vote to pass the bill is requested.

Dated on or near January 19, 2022.

WILLIAM + MAUREN ENNIS 46 OAKMONT DR CONCORD NH 1/20/22 *William Ennis*
Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

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Name, Address & Phone Number

PETITION IN SUPPORT OF SENATE BILL 244

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Your vote to pass the bill is requested.

Dated on or near January 19, 2022.

CHRISTINE GALLANT 3 FOXCROSS CIRCLE, CONCORD (603) 848-6445 Christine Gallant
Name, Address & Phone Number

Ma-k A. Placy 52 Heyward Brook Drive (603) 987-4187 M. Placy
Name, Address & Phone Number

MICHAEL J. BOJOLD 12 OAKMONT DR - Concord 603 496-7975 Michael J. Bojold
Name, Address & Phone Number

Richard A. Gull 102 Sewalls Falls Rd Concord NH 03301
Name, Address & Phone Number

Paul Plomin 3 Fairview Dr Concord NH 03301 603-674-8463
Name, Address & Phone Number

Sadie Parker 21 Bradley St Concord, NH 03301 (603) 340-1624
Name, Address & Phone Number

Sara Rogers 8 Ty Lane, Penacook, NH 603 731-5866
Name, Address & Phone Number

James Potter 22 Foxcross Circle, Concord, NH 603 224 190
Name, Address & Phone Number


Alec Snow 87 Tilton Bridge Rd, Sanbornton, NH, 605 630 8948
Name, Address & Phone Number

PETITION IN SUPPORT OF SENATE BILL 244

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Your vote to pass the bill is requested.

Dated on or near January 19, 2022.

Dennis Gaudet 
79 Oakmont Dr Concord NH 03301

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number


Name, Address & Phone Number

PETITION IN SUPPORT OF SENATE BILL 244

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Your vote to pass the bill is requested.

Dated on or near January 19, 2022.

 55 OAKMONT DR CONCORD NH
Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

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Your vote to pass the bill is requested.

Dated on or near January 19, 2022.

Off Lake 4 Checkerberry Ln, Concord 603-387-9294
Name, Address & Phone Number

Suzanne Gann 4 CHECKERBERRY LANE, CONCORD 603-832-3357
Name, Address & Phone Number

Patricia Foley 27 Dudley Drive, Concord (603) 496-4057
Name, Address & Phone Number

Andrew Foley 27 Dudley Drive Concord (603) 998-3558
Name, Address & Phone Number

Simon Foley 11 Wagner St, Keene (603) 715-1358
Name, Address & Phone Number

James Walsh J. 4 Checkerberry Lane, Concord 603-860-0730
Name, Address & Phone Number

Dea O'Brien 21 Sanborn Dr. Concord NH 603-224-6260
Name, Address & Phone Number 603-765-1450

Bonnie 36 Oakmont Dr, Concord, NH
Name, Address & Phone Number

Two Paul 36 Oakmont Dr Concord, NH
Name, Address & Phone Number 603-225-2388

Rita H. Gilman 40 Oakmont Dr. Concord, NH
Name, Address & Phone Number

Michael J. Jusselyn 40 Oakmont Dr. Concord, NH
Name, Address & Phone Number

PETITION IN SUPPORT OF SENATE BILL 244

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Your vote to pass the bill is requested.

Dated on or near January 19, 2022.

David C. Morrill, 285 East Side Drive, Concord, NH 03301

Name, Address & Phone Number

David C. Morrill

Name, Address & Phone Number

Helen B. Merrill, 285 E. Side Dr, Concord NH 03301 603 520 0569

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

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Your vote to pass the bill is requested.

Dated on or near January 19, 2022.

~~Robert D. Gifford~~ ~~100 Robert Rd. Gofford, NH 03249~~ ~~(603) 361-5593~~ *on another form*

John J. Stein 30 Oakmont Dr. Concord, NH (603) 674-8610
Name, Address & Phone Number

Olivia Poirchaud 36 Oakmont Dr. Concord, NH (603) 856-3737
Name, Address & Phone Number

ABIGAIL POIRCHAUD 36 Oakmont Dr Concord NH (603) 568-8723
Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

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Your vote to pass the bill is requested.

Dated on or near January 19, 2022.

Timothy J Butterfield 2 Humphrey Rd 603
Derry, NH 548-3889
Name, Address & Phone Number

Shawn W. Butterfield 2 Humphrey Rd 603
Derry, NH 548-3890
Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

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Your vote to pass the bill is requested.

Dated on or near January 19, 2022.

JASON CARTER 574 NORTH Rd, Epsom, NH 03234 (603) 435-6566
Name, Address & Phone Number

JOSEPH GARDNER 57 EASTMAN Rd LACONIA NH 603 5284692
Name, Address & Phone Number

TRACY GILBERT 574 NORTH Rd, Epsom, NH 03234 603-435-6566
Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

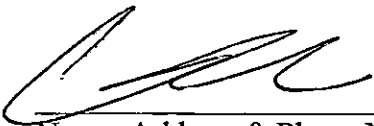
Name, Address & Phone Number

PETITION IN SUPPORT OF SENATE BILL 244

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Your vote to pass the bill is requested.

Dated on or near January 19, 2022.



52 Old Town Rd Epsom NH 03234

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

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Your vote to pass the bill is requested.

Dated on or near January 19, 2022.

Kathleen Connors 7B Roberts Rd., Gilford, NH 03249 603-361-3593
Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

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Name, Address & Phone Number

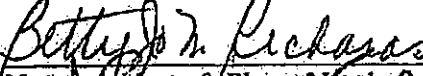
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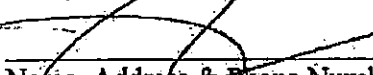
Your vote to pass the bill is requested.

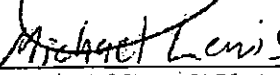
Dated on or near January 19, 2022.

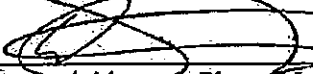

Name, Address & Phone Number Kathryn Towne 1150 Cherry Valley Rd Gilford NH 003-765-7992

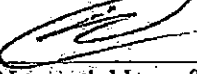

Name, Address & Phone Number Betty Jo Richards 320 Old Lakeshore Rd Gilford NH 941-875-3620

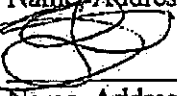

Name, Address & Phone Number Gabrielle Schonefeld 5 LOOKOUT CIR WINDY COOK NH 0037248307



Name, Address & Phone Number 1188 U.S. Ave 4 Dan Perry NH 03230 603-217-7088

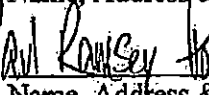

Name, Address & Phone Number Michael Lewis 233 N. Ashland Rd Ashland N.H. 03217 603-448-0111



Name, Address & Phone Number 273 Leavitt Rd BELMONT NH 03220 (603) 387-8409


Name, Address & Phone Number 77 Mark Dr Lacombe NH 03246 603-723-4582


Name, Address & Phone Number Stephen Hopkins 107 parade hill Rd. 03218 603 369 0019


Name, Address & Phone Number 314 Pembroke Hill Rd. Pembroke, NH 03275 603 340 6052


Name, Address & Phone Number Paul Ramsey 300 Bedford St #10 MANCHESTER NH 03101 603-366-6500


Name, Address & Phone Number Eric Binder 890 Rt 140 GILMERTON NH 03837 603-731-1858

PETITION IN SUPPORT OF SENATE BILL 244

The undersigned, all being residents and voters in the State of New Hampshire, hereby express their support for the passage of Senate Bill 244 to allow pre-existing, non-conforming structures to be converted to condominiums, provided there is no expansion of the building footprint or number of bedrooms.

Your vote to pass the bill is requested.

Dated on or near January 19, 2022.

Mr. Beej, 18 Lang Dr, Unit 10, Goffstown, NH 03045
Name, Address & Phone Number

Paul P. Reel, 33 Country Club Ln, Merrimack, NH
Name, Address & Phone Number

[Signature], Ryan Rd Goffstown, NH, 03045
Name, Address & Phone Number

[Signature], 18 Lang Dr, Unit 10 Goffstown, NH 03045
Name, Address & Phone Number

[Signature], 18 Sebbins Pond Dr. Bedford NH
Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

PETITION IN SUPPORT OF SENATE BILL 244

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Your vote to pass the bill is requested.

Dated on or near January 19, 2022.

CHRIS RICE, 5 SOUTH BOW ROAD, HOOKSETT, NH 03106, (603) 785-7289

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

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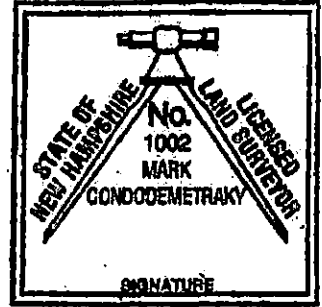
Name, Address & Phone Number

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Your vote to pass the bill is requested.

Dated on or near January 19, 2022.



Mark Condodemetraky, 635 Main Street Laconia, NH 03246 603-524-8023

Name, Address & Phone Number

Mark Condodemetraky

1/19/2022

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

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Name, Address & Phone Number

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Dated on or near January 19, 2022.

Bertrand A. Zalusky Bertrand A. Zalusky, 11 King Arthur Dr. Londonderry, NH
Name, Address & Phone Number 603-432-4572

Amy J. Zalusky Amy J. Zalusky, 11 King Arthur Dr. Londonderry, NH
Name, Address & Phone Number 603-432-4572

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

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Your vote to pass the bill is requested.

Dated on or near January 19, 2022.

~~DAVID GYUGA VOLI, 725 S. WATMOUTH RD., MANCHESTER NH 07101~~
Name, Address & Phone Number 603-365-6688

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

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Name, Address & Phone Number

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Dated on or near January 19, 2022.

Joseph M. Wichert, L.L.S. 802 Amherst Street, Manchester, NH 03104
Name, Address & Phone Number

Joseph M. Wichert

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

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Name, Address & Phone Number

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Dated on or near January 19, 2022.

STEVEN B. KEACH, P.E. 15 CUMMIS PATH - MERRIMACK, NH 03054
Name, Address & Phone Number (603) 396-5312

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

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PETITION IN SUPPORT OF SENATE BILL 244

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Dated on or near January 19, 2022.

John Cameron 42 Shirley way Mirror Lake 603-820-4976
Name, Address & Phone Number

Janice Hempel 49 Birch Hill Rd New Durham NH 02855 603-884-1932
Name, Address & Phone Number

Cheryl Krivitsky 49 Pearson Rd Alton, NH 03809 603-387-2583
Name, Address & Phone Number

Jannine Cameron 42 Shirley Way, Mirror Lake NH 03803 603-370-4567
Name, Address & Phone Number

John Murphy 27 Mass. Dr. Nashua NH 03060 603-889-2708
Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

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Dated on or near January 19, 2022.

John Buzynski 16 Gertrude Rd, Windham NH 03087
Name, Address & Phone Number 603-505-6106

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

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Name, Address & Phone Number

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Dated on or near January 19, 2022.

Steve Endler 24 BRIDLE BRIDGE RD WINDHAM NH 03087 (603) 566-2049
Name, Address & Phone Number

Melissa Bundo 3 Londonderry Rd Windham, NH 03087 (603) 434-3463
Name, Address & Phone Number

Paul J 252 DANIEL PLUMMER RD GOFFSTOWN NH 603-785-9232 03045
Name, Address & Phone Number

Arch Mitchell Gougeon 19 Cannon Circle Windham NH 603-889-7411
Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

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Dated on or near January 19, 2022.

Ronald Tingle 81 Heritage Hill RD WINDHAM NH 03088-9875
Name, Address & Phone Number

Amy Creamer 81 Heritage Hill (937) WINDHAM NH 03087 313-9387
Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

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Dated on or near January 19, 2022.

John BARKER 136 TEN ROD RD. 603-973-6849
Name, Address & Phone Number

TEENA BARKER 136 TEN ROD RD. 603-973-6849
Name, Address & Phone Number

BON BARKER 136 TEN ROD RD 603-973-6849
Name, Address & Phone Number

CHAYNNA BARKER 136 B TEN ROD RD 603-973-6849
Name, Address & Phone Number

MARC DAME 54 MANSF ALTON 603-875-2211
Name, Address & Phone Number

RICKY FINETHY 384 NEW DURHAM RD 603-948-3376
Name, Address & Phone Number

MARK THOMAS 416 AUSTIN RD ALTON BAY NH 603-887-4808
Name, Address & Phone Number

JEANETTE DRAPEAU 128 VALLEY RD NEW DURHAM NH 603-337-5566
Name, Address & Phone Number

JEFF DRAPEAU 128 VALLEY RD NEW DURHAM NH 603-337-5566
Name, Address & Phone Number

RENEE BERRY 101 VALLEY RD NEW DURHAM NH 603-859-8471
Name, Address & Phone Number

DENNIS BERRY 101 VALLEY RD NEW DURHAM NH 603-859-8471
Name, Address & Phone Number

10:26 AM

PETITION IN SUPPORT OF SENATE BILL 244

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Dated on or near January 19, 2022.

BOB FORSYTHE 250 Deer Hill Rd (603) 767-9836
Name, Address & Phone Number

Sam Forsythe 3 Cemetery Rd (603-)312-2288
Name, Address & Phone Number

Gaelyn O'Amey 3 Cemetery Rd. (603-856-1723
Name, Address & Phone Number

Brittany Burby 49B Agamenticus rd. (603-973-7829
Name, Address & Phone Number

Ryan Carr 61 Leicester rd Berwick (603) 285 5646
Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Dated on or near January 19, 2022.

Reginald Moreau 8 Westview Drive Litchfield NH 03052
Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

PETITION IN SUPPORT OF SENATE BILL 244

Jim Brown 72 Pearson Rd Alton NH 875-3130
Name, Address & Phone Number

John Brown 72 Pearson Rd Alton NH 875-343
Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

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Name, Address & Phone Number

Name, Address & Phone Number


Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

PETITION IN SUPPORT OF SENATE BILL 244

 37 Oakmont Dr, Concord NH 603-674-9742
Name, Address & Phone Number

Meneggie Schmitt 39 Oakmont Dr, Concord, NH 603-226-3036
Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

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Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

PETITION IN SUPPORT OF SENATE BILL 244

Gregory Herbert 30 Rignard Dr E Hampstead NH 603.870-2100
Name, Address & Phone Number

Francis Reed 5 Evergreen Dr Do Hampton NH 603.472-2100
Name, Address & Phone Number

Shauna Reed 5 Evergreen Dr Do Hampton NH
Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

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Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

PETITION IN SUPPORT OF SENATE BILL 244

Mara Bradbury 20 Gobarro Rd Epsom, NH 03234 (603)486-8308
Name, Address & Phone Number

Lynne Maudero 46 Crescent Rd, Manchester, NH 03103
Name, Address & Phone Number

Robert Colwell 39 Frar Tuck Way Wolfeboro, NH 03894
Name, Address & Phone Number

John Tozla 364 Hall Rd Berrington, N.H. 03825
Name, Address & Phone Number

Michael Garofalo 28 S. Craftsville Rd Concord NH 03304
Name, Address & Phone Number

Douglas P Jones 417 Dierpath Pembroke N.H. 03275
Name, Address & Phone Number

Gregg J Fournier 36 So. Fruit Concord, N.H. 03301
Name, Address & Phone Number

Bar J 136 Shaker road Concord, N.H. 03301
Name, Address & Phone Number

Andrew Maxfield 1187 Long Street Webster, NH 03303
Name, Address & Phone Number

Taylor Blumette 21 School St Warner, NH 03278
Name, Address & Phone Number

Lynn Morin 28 Reservoir Hts, Plymouth, NH 03264 603-481-2055
Name, Address & Phone Number

Brent Johnson 20 Roland Dr Allentown NH 03276
Name, Address & Phone Number

Paul Smeets 4. Sanborn Concord, N.H. 03301.
Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

PETITION IN SUPPORT OF SENATE BILL 244

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Name, Address & Phone Number

Zachary Kambuch 36 Oakmont Drive, Concord, NH 603525841
Name, Address & Phone Number

B. M. [unclear] 40 Oakmont Dr, Concord NH 603-225-2385
Name, Address & Phone Number

[unclear] 4 Checkerberry Lane Concord NH (603) 856-5088
Name, Address & Phone Number

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Name, Address & Phone Number

Adrian Shander 38 Groton Drive Concord NH (603) 496-1503
Name, Address & Phone Number

Maureen Simpson 73 Dominique Dr. Concord, NH 603 738-9517
Name, Address & Phone Number

[unclear] 73 Dominique Dr. Concord, NH 603 203-0101
Name, Address & Phone Number

Madison Simpson 73 Dominique Dr. Concord, NH 603 715-5173
03301
Name, Address & Phone Number

Laura Jeanette PO Box 2131 Concord NH 603-491-0127
Name, Address & Phone Number

[unclear] 8 Bluebird Ln Boscaumen, NH 03303 603-376-9639
Name, Address & Phone Number

[unclear] 8 Bluebird Ln Boscaumen, NH 03303 603-496-4509
Name, Address & Phone Number


Holly Sirojane 81 Old Hopkinton Rd. Pemberton, NH 03046
Name, Address & Phone Number

James M. Trivison 262 Hopkinton Rd Concord NH 03301-7911
Name, Address & Phone Number

Ron [unclear] 110 Frost Rd Waverly NH
Name, Address & Phone Number

Ann B. [unclear] 38 Oakmont Dr Concord NH 03301
603 - 226-4881
Name, Address & Phone Number

PETITION IN SUPPORT OF SENATE BILL 244

 Bob Jewett 19 Concord St Northfield NH 03276 ²⁰⁷⁻⁹⁰⁷⁻⁶

Name, Address & Phone Number

Daniel Erving 59 Scribner Rd. Apt 718 Northfield NH 03276

Name, Address & Phone Number

Lisa Young 55 Brown Hill Rd, (NH) Belmont, NH 03220 ^{603 777 2885}

Name, Address & Phone Number

Jacob Antonis 22 Old North Main St. Plymouth NH 05264 603-455-4870

Name, Address & Phone Number

Savannah Fredette 73 Breckenridge way unit 23 Laconia NH 03246 ^{603 393 7113}

Name, Address & Phone Number

Meghan Mitchell 408 Central St Unit 4 Franklin NH 03235 603-630-0511

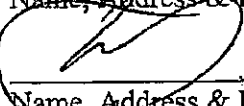
Name, Address & Phone Number

Harold Maloney 890 NH Rt 140 Gilmanston Iw NH 03837 ^{603 570 1157}

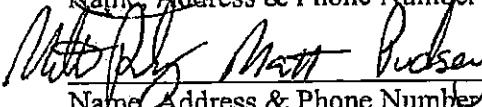
Name, Address & Phone Number

Seamus Kershner 1168 Old N. Main St. LAONIA NH 05246 (603) 344-0330

Name, Address & Phone Number

 51 Shaker Rd. Northfield N.H. 03276 (603) 520-3616

Name, Address & Phone Number

 Matt Pudsey 155 E. MAIN ST. Tilton, NH 03276 ⁶⁰³⁻²¹⁷⁻⁷

Name, Address & Phone Number

Robert Bannon 36 Millie's Circle Campton NH 03223 ⁶⁰³⁻⁵⁸²⁻³⁸⁶⁶

Name, Address & Phone Number

JOSHUA ELLIS 33 HEARTWOOD LANE APT 30 CONCORD, NH 03303 ⁶⁰³⁻⁶⁸²⁻⁸⁵¹⁰

Name, Address & Phone Number

Erinc Stevens 213 Country Club Road, Laconia, NH 03241 ⁶⁰³⁻⁵⁵²⁻⁶

Name, Address & Phone Number

Rt 2 B 272 Lake Shore Dr Fralee, NH 03235 ⁶⁰³⁻⁹³⁶⁻⁷⁷⁴⁻²⁶⁶⁻⁶¹⁰⁵

Name, Address & Phone Number

Jake Beattie 883 Weirs Blvd. Unit 15 Laconia, NH 03246

Name, Address & Phone Number

Name, Address & Phone Number

PETITION IN SUPPORT OF SENATE BILL 244

The undersigned, all being residents and voters in the State of New Hampshire, hereby express their support for the passage of Senate Bill 244 to allow pre-existing, non-conforming structures to be converted to condominiums, provided there is no expansion of the building footprint or number of bedrooms.

Your vote to pass the bill is requested.

Dated on or near January 19, 2022.

Julie Gustafson 56 Bella View Lane, Rochester, NH 03867 (603) 859-1167
Name, Address & Phone Number

Robert Gustafson 56 Bella View Lane, Rochester, N.H. 03867 (603) 859-1167
Name, Address & Phone Number

Anne Behre 55 Valley Rd. New Durham, N.H. 03855 (603) 859-4000
Name, Address & Phone Number

Joseph Behre 55 Valley Rd. New Durham, N.H. 03855 (603) 859-4000
Name, Address & Phone Number

Penny Breton - 50 Blackstone Dr., Raymond, N.H. 03077 (603) 859-5000
Name, Address & Phone Number

Leo Breton - 50 Blackstone Dr., Raymond, N.H. 03077 (603) 859-5000
Name, Address & Phone Number

LuAnne Zaita - 18 Surrey Run "The Paddock" Dover, N.H. 03820 (603) 842-2211
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Bird Grigg - Box 208, Merry Meeting Lake, New Durham, N.H. 03824 (603) 859-7150
Name, Address & Phone Number

Sandra T. Grigg Box 208 Merry Meeting Lake, New Durham, N.H. 03824 (603) 842-2211
Name, Address & Phone Number

Peter Grigg - Merry Meeting Lake, Box 208, New Durham, N.H. 03824 (603) 819-8188
Name, Address & Phone Number

Sandra Herbert 30 Regiment Dr. E. Hampstead, N.H. 03826
Name, Address & Phone Number

PETITION IN SUPPORT OF SENATE BILL 244

Alice MURRAY 90 Bella View Lane 603-817-1933
Name, Address & Phone Number

Jeff MURRAY 90 Bella View Lane 603-498-4038
Name, Address & Phone Number

Bon Algeni 119 School St Keene NH (603) 398-6071
Name, Address & Phone Number

Jill Shannon 123 Sampson Rd Rochester (603) 767-5459
Name, Address & Phone Number

Chris Shannon 123 Sampson Rd. Rochester (603) 312-1711
Name, Address & Phone Number

Brittany Drapeau 128 Valley Rd New Durham NH 603-337-5572
Name, Address & Phone Number

Trawis Drapeau 18 Appleton St Keene NH 603-337-5571
Name, Address & Phone Number

Bob Burton 138 Merrill St Gilford NH 603 387 2466
Name, Address & Phone Number

Robert Ouellette 82 Bella View Lane Rochester NH 603 387 2242
Name, Address & Phone Number

Lori Ouellette 82 Bella View Lane Rochester 603-680-6040
Name, Address & Phone Number

Ric Alden 526 East Side Dr Alton Bay NH 603 707 0278
Name, Address & Phone Number

Catny Alden 526 East Side Dr Alton Bay NH 603 707 0278
Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

Name, Address & Phone Number

John G. Cronin

From: Len <lmetric@comcast.net>
Sent: Sunday, January 23, 2022 2:26 PM
To: John Cronin
Subject: Fwd: SB244

Sent from my iPhone

Begin forwarded message:

From: Peter Varney <pvarney@atsnh.com>
Date: January 23, 2022 at 12:31:52 PM EST
To: lmetric@comcast.net
Subject: SB244

I have lived in the town of Alton my entire life and am currently serving my 4th consecutive term as State Representative for Alton. I attended a meeting at DES and I am in full support of Senate Bill 244.

Respectfully submitted,
Peter R Varney
NH State Representative
Belknap District 5

C: 603-765-6380

TITLE XXXI

TRADE AND COMMERCE

CHAPTER 356-B

CONDOMINIUM ACT

I. General Principles

Section 356-B:5

~~356-B:5 Municipal Ordinances~~ – No zoning or other land use ordinance shall prohibit condominiums, as such by reason of the form of ownership inherent therein. Neither shall any condominium be treated differently by any zoning or other land use ordinance which would permit a physically identical project or development under a different form of ownership. No subdivision ordinance in any city or town shall apply to any condominium or to any subdivision of any convertible land, convertible space, or unit unless such ordinance is by its express terms made applicable thereto. Nevertheless, cities and towns may provide by ordinance that proposed conversion condominiums and the use thereof which do not conform to the zoning, land use and site plan regulations of the respective city or town in which the property is located shall secure a special use permit, a special exception, or variance, as the case may be, prior to becoming a conversion condominium. In the event of an approved conversion to condominiums, cities, towns, village districts, or other political subdivisions may impose such charges and fees as are lawfully imposed by such political subdivisions as a result of construction of new structures to the extent that such charges and fees, or portions of such charges and fees, imposed upon property subject to such conversions may be reasonably related to greater or additional services provided by the political subdivision as a result of the conversion.

Source. 1977, 468:1, eff. Sept. 10, 1977.

KeyCite Yellow Flag - Negative Treatment
Not Followed on State Law Grounds Appeal of Lowe, Vt., September 1, 1995

134 N.H. 425
Supreme Court of New Hampshire.

Gabriel COHEN

v.

TOWN OF ~~HENNIKER~~

No. 90-335.

July 8, 1991.

Synopsis

Owner of nonconforming unit applied for subdivision approval to convert apartment units into condominiums. Planning board denied application and property owner appealed. The Superior Court, Merrimack County, McGuire, J., upheld denial. Property owner appealed. The Supreme Court, Johnson, J., held that planning board had authority to deny subdivision approval only if condominium conversion would affect land use and because neither board nor Superior Court made finding that conversion would affect land use, remand to board was required.

Reversed and remanded.

Procedural Posture(s): On Appeal.

West Headnotes (3)

[1] **Zoning and Planning** ⇌ Questions or errors of law

Zoning and Planning ⇌ Questions of fact; findings

Supreme Court will uphold decision of superior court in zoning case unless its decision is not supported by evidence or is legally erroneous.

1 Cases that cite this headnote

[2] **Zoning and Planning** ⇌ Particular prior or nonconforming uses

Zoning and Planning ⇌ Particular prior or nonconforming uses

Municipality may require permit, exception, or variance prior to conversion to condominiums even where there exists protected nonconforming use; however, requirement may only be denied if conversion were to have actual effect on use of land. RSA 21:1, 356-B:5.

3 Cases that cite this headnote

[3] **Zoning and Planning** ⇌ Particular prior or nonconforming uses

Zoning and Planning ⇌ Directing further action by local authority

Planning board was authorized to deny owner of nonconforming use subdivision approval to convert rental units into condominiums only if conversion would affect land use and because neither board nor superior court made finding that conversion would affect land use, remand was required to board. RSA 21:1, 356-B:5.

2 Cases that cite this headnote

Attorneys and Law Firms

****1146 *425** Charles H. Morang, of Concord, by brief and orally, for plaintiff.

Nixon, Hall & Hess P.A., of Manchester (David W. Hess, on the brief and orally), for defendant.

Opinion

JOHNSON, Justice.

The plaintiff appeals an order of the Superior Court (*McGuire, J.*) upholding the denial by the ~~Henniker~~ Planning Board ***426** (the board) of his application for subdivision approval to convert seven apartment units into condominiums. The plaintiff argues that the board's denial was improper given his prior nonconforming use of the property. We agree and, therefore, reverse the order of the superior court.

The facts in this case are straightforward. The plaintiff owns two apartment buildings containing seven rental units. The buildings are located on a single 1.38-acre lot on Flanders

Road in Henniker. The town of Henniker had no zoning ordinances when the buildings were constructed.

On July 8, 1988, the plaintiff applied to the board for subdivision approval to convert the seven rental apartments into condominiums. The property in question did not satisfy the zoning requirements for its zone at the time of the application, being deficient both as to lot size and frontage. Conformance with the zoning ordinance is required for subdivision approval. See Henniker Subdivision Regulations § 13 (“[t]he proposed subdivision shall conform to the Zoning Ordinance of the Town of Henniker”).

The board voted to deny the application on February 13, 1989, “on the grounds that the proposal does not conform with the lot size requirements of the zoning ordinance.” The plaintiff filed a petition for certiorari with the superior court, arguing that the denial of his application violated RSA 356-B:5, which governs municipal regulation of condominium development, and was improper because the apartments enjoyed nonconforming use status. In denying the plaintiff’s petition, the superior court ruled that the town had complied with RSA 356-B:5. It also found the plaintiff’s nonconforming use argument to be without merit. “The nonconforming status goes to the use of the lot and buildings as apartment rentals. The nature of condominium ownership is simply a different use....” This appeal followed.

[1] Under the applicable standard of review, we will uphold the decision of the superior court unless that decision is not supported by the evidence or is legally erroneous. *Condos East Corp. v. Town of Conway*, 132 N.H. 431, 435, 566 A.2d 1136, 1139 (1989). The plaintiff argues that the action of the board, and thus the order of the superior court, was contrary both to the protection historically granted to prior nonconforming uses and to RSA 356-B:5. Before addressing the specifics of the **1147 plaintiff’s arguments, we must examine their legal foundations.

The doctrine of nonconforming uses has been summarized by one New Hampshire commentator as follows:

*427 “A use of land which, at the time a restriction on that use went into effect, was established (or ‘vested’), and has not been discontinued or abandoned, can continue indefinitely, unless it includes activity which is

a nuisance or harmful to the public health and welfare; but the use cannot be changed or substantially expanded without being brought into compliance.”

Waugh, “Grandfathered”—The Law of Nonconforming Uses and Vested Rights, 31 *N.H.B.J.* 17, 19 (1990); accord *New London Land Use Assoc. v. New London Zoning Board*, 130 N.H. 510, 515–17, 543 A.2d 1385, 1387–88 (1988). The right to continue a nonconforming use is recognized by the New Hampshire Constitution, *N.H. Const.* pt. I, arts 2*N.H. Const.* pt. I, arts 2 & 1212, and by New Hampshire statute, RSA 674:19. *New London Land Use Assoc.*, *supra* at 516, 543 A.2d at 1387.

The parties do not dispute that the plaintiff’s property enjoys nonconforming use status. Thus, the plaintiff may continue to own the seven residential units and to rent them to tenants, notwithstanding the requirements of the Henniker Zoning Ordinance. This fact does not, however, directly answer the question raised by this appeal: whether the board had the authority to deny the plaintiff’s subdivision approval to convert the rental units into condominiums.

The plaintiff was required to seek subdivision approval. Both State statute and local regulations define “subdivision” as including “the division ... of land ... for the purpose, whether immediate or future, of ... condominium conveyance.” RSA 672:14; Henniker Subdivision Regulations art. 2, § 2.17. However, the board’s discretion to deny subdivision approval for condominium projects is limited by RSA 356-B:5, which provides, in part:

~~“Municipal Ordinances, No zoning or other land use ordinance shall prohibit condominiums as such by reason of the form of ownership inherent therein. Neither shall any condominium be treated differently by any zoning or other land use ordinance which would permit a physically identical project or development under a different form of ownership. No subdivision ordinance in any city or town shall apply to any condominium or to any subdivision of any convertible land,~~

convertible space, or unit unless such ordinance is by its express terms made applicable thereto. Nevertheless, cities and towns may provide by ordinance that proposed conversion condominiums and the use thereof which do not conform to the zoning, land use and site plan regulations of *428 the respective city or town in which the property is located shall secure a special use permit, a special exception, or variance, as the case may be, prior to becoming a conversion condominium.”

As a preliminary matter, we note that the legislature's references to “ordinances” in the above statute must be interpreted to include both the ordinances themselves and regulations promulgated pursuant to such ordinances, so as to be consistent with the statute's context. *See State v. New Hampshire Gas & Electric Co.*, 86 N.H. 16, 21, 163 A. 724, 727 (1932) (words of statute are to be read in relation to their context); *see also* RSA 21:1 (disallowing construction of statute repugnant to its context).

According to RSA 356-B:5, no condominium may “be treated differently by any zoning or other land use ordinance which would permit a physically identical project or development under a different form of ownership.” In the case at bar, the project “physically identical” to the proposed condominiums is the existing rental units prior to conversion. As stated above, the use of the units as rental properties is a protected nonconforming use. Thus, RSA 356-B:5 would indicate that condominium conversion would have to be allowed to avoid disparate treatment.

[2] RSA 356-B:5 also states that “cities and towns may provide ... that proposed conversion condominiums and the use **1148 thereof which do not conform to ... [local] regulations ... shall secure a special use permit, special exception or variance.” Thus, a municipality may require such a permit, exception, or variance prior to conversion even where there exists a protected nonconforming use. However, to be consistent with the rest of the statute, such a requirement may only be denied if the conversion would have an actual effect on the use of the land. *See Natrella v. Arlington Cty. Bd. of Zoning App.*, 231 Va. 451, 462, 345 S.E.2d 295, 302 (1986). In *Natrella*, the Supreme Court of Virginia was

presented with a factual situation similar to that now before us, and a statute, Va.Code Ann. § 55-79.43, then essentially identical to RSA 356-B:5. The *Natrella* court reasoned that the denial of a variance, where there was no impact on land use, was incompatible with the special protection afforded condominiums in the statute. *Id.* at 461-62, 345 S.E.2d at 301-02. We may no more ignore a portion of RSA 356-B:5 than the *Natrella* court could ignore a portion of the Virginia statute. *See Merrill v. Great Bay Disposal Serv.*, 125 N.H. 540, 543, 484 A.2d 1101, 1103 (1984) (all of the words of a statute must be given effect); *Peck v. Jenness*, 48 U.S. 612, 623, 12 L.Ed. 841 (1849) (“[o]ne portion of a statute *429 should not be construed to annul or destroy what has been clearly granted by another”). Therefore, we concur with the analysis of the *Natrella* court.

Interpreting RSA 356-B:5 to preclude denial of a special use permit, special exception, or variance where there is no change in land use is supported by our cases on nonconforming uses. Justice Grimes, in his dissent in *Isabelle v. Newbury*, 114 N.H. 399, 403, 321 A.2d 570, 573 (1974), stated that “[a]uthority is overwhelming that a mere change from tenant occupancy to owner occupancy is not an extension of a non-conforming use.” This statement was adopted by the majority of the court in *New London Land Use Assoc.*, 130 N.H. at 516, 543 A.2d at 1388. *See also Town of Seabrook v. Tra-Sea Corp.*, 119 N.H. 937, 942, 410 A.2d 240, 243 (1979) (mere change in ownership would not significantly increase municipal burdens). The conversion of apartment units into condominium units is not necessarily a change in use. If the conversion would in fact have an effect on land use, this may constitute a change in or expansion of use, in such a case, preventing conversion would not conflict with the doctrine of nonconforming uses, and would not violate RSA 356-B:5. On the other hand, if, for example, a planning board may deny a variance to a landowner seeking to convert apartments to condominiums, where the conversion would have no effect on land use, that landowner is prevented from taking full advantage of his or her nonconforming use.

[3] In the case at hand, section 2 of the *Heniker* Subdivision Regulations expressly makes those regulations applicable to condominiums, thereby complying with the third sentence of RSA 356-B:5 (“[n]o subdivision ordinance ... shall apply to any condominium ... unless such ordinance is by its express terms made applicable thereto”). Section 13 of the *Heniker* Subdivision Regulations makes conformance with the *Heniker* Zoning Ordinance a requirement for subdivision approval, including

condominium conversion; it also allows subdivision approval “[w]here strict conformity to these subdivision regulations would cause undue hardship or injustice to the owner of the land.” These provisions comport with the fourth sentence of RSA 356-B:5, discussed above. Thus, the board was authorized to deny the plaintiff subdivision approval only if the condominium conversion would affect land use. Because neither the board nor the superior court made a finding that conversion of the plaintiff’s property into condominiums would affect land use, we reverse the decision of the superior court and remand this case to the board.

Reversed and remanded.

All concurred.

All Citations

134 N.H. 425, 593 A.2d 1145

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155 N.H. 622
Supreme Court of New Hampshire.

~~TOWN OF RYE BOARD OF SELECTMEN~~

v.

TOWN OF RYE ZONING
BOARD OF ADJUSTMENT.

No. 2006-598.

Argued: April 3, 2007.

Opinion Issued: June 26, 2007.

Rehearing Denied Aug. 20, 2007.

Synopsis

Background: Landowner appealed zoning board of adjustment (ZBA) decision to dismiss application for special exception to convert tourist cabins to condominiums. The Superior Court, Rockingham, reversed and remanded. On remand, the ZBA granted special exception. Town selectmen appealed. The Superior Court, Morrill, J., upheld the decision. Selectmen appealed.

Holdings: The Supreme Court, Galway, J., held that:

[1] ordinances that prohibited conversion of tourist cabins to condominiums conflicted with and was preempted by Condominium Act, and

[2] evidence supported trial court's decision to affirm ZBA's determination that conversion would not affect use of the land.

Affirmed.

Duggan, J., concurred specially and filed opinion.

Procedural Posture(s): On Appeal.

West Headnotes (12)

[1] **Appeal and Error** ⇌ State preemption of local law

An issue of state preemption is essentially one of statutory interpretation, and the Supreme Court reviews the trial court's statutory interpretation de novo.

[2] **Statutes** ⇌ Judicial construction; role, authority, and duty of courts

Statutes ⇌ Language and intent, will, purpose, or policy

The Supreme Court is the final arbiter of the legislature's intent as expressed in the words of the statute considered as a whole.

[3] **Statutes** ⇌ Plain Language; Plain, Ordinary, or Common Meaning

Courts first examine the language of the statute and, where possible, ascribe the plain and ordinary meanings to the words used.

[4] **Statutes** ⇌ Purpose and intent; unambiguously expressed intent

Statutes ⇌ Absent terms; silence; omissions
When a statute's language is plain and unambiguous, courts need not look beyond it for further indication of legislative intent, and they refuse to consider what the legislature might have said or add language that the legislature did not see fit to incorporate in the statute.

1 Cases that cite this headnote

[5] **Towns** ⇌ Legislative control of acts, rights, and liabilities

Towns cannot regulate a field that has been preempted by the state.


2 Cases that cite this headnote

[6] **Municipal Corporations** ⇌ Concurrent and Conflicting Exercise of Power by State and Municipality

State law expressly preempts local law when there is an actual conflict between state and local regulation.

a change in use. If the conversion would in fact have an effect on the land use, this may constitute a change or expansion of use; in such a case, preventing conversion would not *630 conflict with the doctrine of nonconforming uses, and would not violate RSA 356-B:5.

are legal nonconforming uses. As the majority points out, they do not meet the definition of "dwelling unit," and most of the cottages do not meet the minimum square footage requirement specified in section 503.3 of the Town's Ordinance. However, the ZBA determined, and the superior court agreed, that the proposed condominium conversion would not result in a change in the use of the property. Consequently, it was proper for the ZBA to grant 228 Maple's application for a special exception. I would therefore affirm the superior court's order upholding the ZBA's decision.

 *Id.* at 429, 593 A.2d 1145.

All Citations

155 N.H. 622, 930 A.2d 382

The analysis set forth in *Cohen* controls in this case. Here, the cottage-style buildings owned by 228 Maple

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KeyCite Yellow Flag - Negative Treatment
Declined to Extend by *Everett Ashton, Inc. v. City of Concord*, N.H., April 29, 2016

KeyCite Overruling Risk - Negative Treatment
Overruling Risk *Lingle v. Chevron U.S.A. Inc.*, U.S., May 23, 2005

121 N.H. 590
Supreme Court of New Hampshire.

John P. **BURROWS** et al.

v.

CITY OF **KEENE**.

No. 80-419.

June 26, 1981.

Synopsis

Landowners brought action to review city's denial of subdivision approval and later amended petition to include claim that city's amendment to zoning ordinance which included part of plaintiffs' land in conservation zone was inverse condemnation entitling them to damages. The Superior Court, Cheshire County, DiClerico, J., dismissed claim regarding denial of subdivision approval, but ruled that inclusion of land in conservation zone constituted an inverse condemnation and ordered damages, and city appealed. The Supreme Court, Grimes, C. J., held that: (1) landowners were entitled to amend petition to raise constitutional issue of inverse condemnation, and (2) city's amendment of zoning ordinance constituted inverse condemnation entitling landowners to damages.

Appeal dismissed; remanded.

Procedural Posture(s): On Appeal.

West Headnotes (7)

[1] **Injunction** ⇌ Amended and supplemental pleadings

Trial court did not abuse discretion in allowing landowners to amend petition for equitable relief in trial court to include constitutional claim that city's amendment of zoning ordinance which included part of landowner's land in conservation zone was inverse condemnation where, although

it was a new and different issue from landowners' initial claim that planning board improperly denied its application for subdivision approval, it was one which landowners could raise at any time before applicable statute of limitations had run and defendant was given ample time to prepare to meet the issue.

9 Cases that cite this headnote

[2] **Constitutional Law** ⇌ Right to Property

"Property," in the constitutional sense, is not the physical thing but is rather group of rights which the owner of the thing has with respect to it, and term refers to person's right to possess, use, enjoy and dispose of a thing and is not limited to the thing itself.

7 Cases that cite this headnote

[3] **Eminent Domain** ⇌ What Constitutes a Taking; Police and Other Powers Distinguished

The principle of just compensation when private property is taken under police power of the government applies if the abridgement of the rights to property is accomplished by a governmental regulation restricting the exercise of these rights. Const. Pt. 1, Art. 12Const. Pt. 1, Art. 12; U.S.C.A.Const. Amends. 5, 14.

5 Cases that cite this headnote

[4] **Eminent Domain** ⇌ Zoning and Permits

Reasonable regulations that prevent an owner from using his land in such a way that it causes injury to others or deprives them of the reasonable use of their land may not require compensation, nor do reasonable zoning regulations which restrict economic uses of property to different zones and which do not substantially destroy the value of an individual piece of property effect a taking requiring compensation. Const. Pt. 1, Art. 12Const. Pt. 1, Art. 12; U.S.C.A.Const. Amends. 5, 14.

24 Cases that cite this headnote

All concurred.

All Citations

121 N.H. 590, 432 A.2d 15

End of Document

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TAX WORKSHEET – SANDY POINT

Current Assessment - \$2,628,000

Alton Tax Rate - \$11.30

Ad Valorem Taxes = \$29,696.40

POTENTIAL TAX REVENUE IF BILL PASSED

Purchase Price - \$12,500,000.00

Converted Value Potential after Capital Improvements - \$30,000,000.00

Revised Ad Valorem Taxes at \$11.30/Thousand = \$339,000.00

INCREASED ANNUAL TAX REVENUE - \$368,696.40

The analysis does not include additional revenue for car registrations, boat fees and the economic impact resulting from employment, capital purchases such as boats and furniture and the patronage of area restaurants and businesses.

0 MOUNT MAJOR HIGHWAY

Location 190 MOUNT MAJOR HIGHWAY

Mblu 36/37///

Acct# 0003480

Owner SANDY POINT BEACH RESORT
INC

Assessment \$2,628,000

PID 3184

Building Count 40

Current Value

Assessment			
Valuation Year	Improvements	Land	Total
2017	\$988,300	\$1,639,700	\$2,628,000

Owner of Record

Owner SANDY POINT BEACH RESORT INC
Co-Owner
Address 190 MOUNT MAJOR HIGHWAY
ALTON BAY, NH 03810

Sale Price \$0
Certificate 1
Book & Page 906/ 0376
Sale Date 06/27/1985
Instrument 1N

Ownership History

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
SANDY POINT BEACH RESORT INC	\$0	1	906/ 0376	1N	06/27/1985
SANDY POINT BEACH RESORT INC	\$0		870/0755	1N	05/18/1984
SANDY POINT BEACH RESORT INC	\$0		794/0591	1N	09/19/1980

Building Information

Building 1 : Section 1

Year Built: 1948
Living Area: 4,269
Replacement Cost: \$516,428
Building Percent Good: 14
**Replacement Cost
Less Depreciation:** \$72,300

Building Attributes

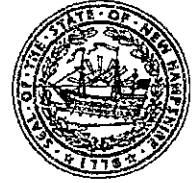
Building Layout

 Building Layout

Building Sub-Areas (sq ft)			Legend
Code	Description	Gross Area	Living Area



The State of New Hampshire
Department of Environmental Services



Robert R. Scott, Commissioner

January 21, 2022

The Honorable James Gray
Chairman, Election Law and Municipal Affairs Committee
State House, Room 100
Concord, NH 03301

RE: SB 244, AN ACT relative to non-conforming structures and variances.

Dear Chairman Gray and Members of the Committee:

Thank you for the opportunity to comment on SB 244. This bill makes allowances for certain non-conforming structures by amending RSA 674:72 with regard to accessory dwelling units (ADU) and makes changes to the definition of subdivision in RSA 485-A:2, VIII. The New Hampshire Department of Environmental Services (NHDES) supports the portion of the bill regarding ADUs with a suggested amendment discussed below. NHDES has concerns about the portion of the bill relative to changes to the definition of subdivision.

The bill proposes to amend the language in RSA 674:72 regarding ADUs. NHDES supports this proposed change provided that the requirements in RSA 674:72, V, regarding water supply and sewage disposal, continue to apply to the ADU conversion. In addition to the proposed amendment, NHDES suggests modifying the language of RSA 674:73, Detached Accessory Dwelling Units, to read:

"A municipality is not required to but may permit detached accessory dwelling units. Detached accessory dwelling units shall comply with the requirements of, and any municipal ordinances or regulations adopted pursuant to, RSA 674:72, IV through IX **and the primary building setback established in RSA 483-B:9, II, (b) when located within protected shorelands.** If a municipality allows detached accessory dwelling units, it may require an increased lot size."

This change would be beneficial to both homeowners and municipalities by calling attention to existing legal requirements earlier in the planning stages of projects. This will prevent the loss of time and avoid costs by ensuring that owners are informed and investing in design proposals that are not prohibited by overlapping, existing law.

The bill also proposed to amend RSA 485-A:2, XIII regarding the definition of subdivision. NHDES has concerns about this portion of the bill. ~~Currently, the definition of Subdivision in RSA 485-A:2, XIII requires subdivision approval from NHDES be obtained prior to converting an existing single owner property to a condominium. The purpose of the subdivision approval process is, in part, to determine if the town in which the structure(s) is located can manage and treat all the wastewater generated. It is important to maintain this requirement for NHDES~~

www.des.nh.gov
29 Hazen Drive • PO Box 95 • Concord, NH 03302-0095
NHDES Main Line: (603) 271-3503 • Subsurface Fax: (603) 271-6683 • Wetlands Fax: (603) 271-6588
TDD Access: Relay NH 1 (800) 735-2964

~~subdivision approval of condominium conversions in order to protect the interests of the buyer, public health and water quality.~~

A prime example of why NHDES subdivision approval of condominium conversions is important is with existing, grandfathered (existing prior to applicable regulations) cabin resorts that are owned by one individual or company. Typically, ~~these cabin resorts were built on substandard lots where the wastewater load generated by the cabins exceeds the lot's capacity to adequately manage and treat the wastewater.~~ In addition, ~~many of the sewage or waste disposal systems (septic systems) supporting the cabins also pre-date current regulations and laws promulgated in 1967.~~ A septic system that pre-dates those laws would now be at least 55 years old with the possibility that the system ~~no longer meets current standards and/or adequately treats wastewater.~~

Septic systems have a finite lifespan and, when these grandfathered systems fail, they often must be replaced with ~~much larger systems to meet current standards.~~ RSA 485-A:33, IV only allows for the replacement of a septic system, "in-kind" if the system being replaced was previously state approved. If a septic system(s) needs to be replaced and/or relocated to meet current standards, and the property is owned by one individual or company, that individual or company can manage the property to take whatever steps are needed to accommodate the new, larger system. ~~This may include the removal of a structure to reduce the wastewater load or to properly locate the system on the lot to meet current standards.~~ Conversely, if the cabins are converted to condominiums and each cabin is owned individually, the individual property rights may make it impossible to find a place to construct a replacement system that accommodates all properties on site. In such a case, it is likely that one or more of the individual properties would not be able to site a septic system to meet their needs. Therefore, requiring subdivision approval for a condominium conversion ensures the purchaser is buying a property that can meet all applicable laws and rules relative to wastewater management.

~~Having compliant, functioning septic systems is crucial to protecting the groundwater and water quality in lakes, ponds, and streams.~~ Considering the large percentage of private drinking water wells in the State of New Hampshire, protecting the groundwater is critical to the protection of human health. Further, many cabin resorts referenced above are located on lakes, ponds, and rivers throughout the State of New Hampshire. Compliant, functioning septic systems play a significant role in protecting these very important resources.

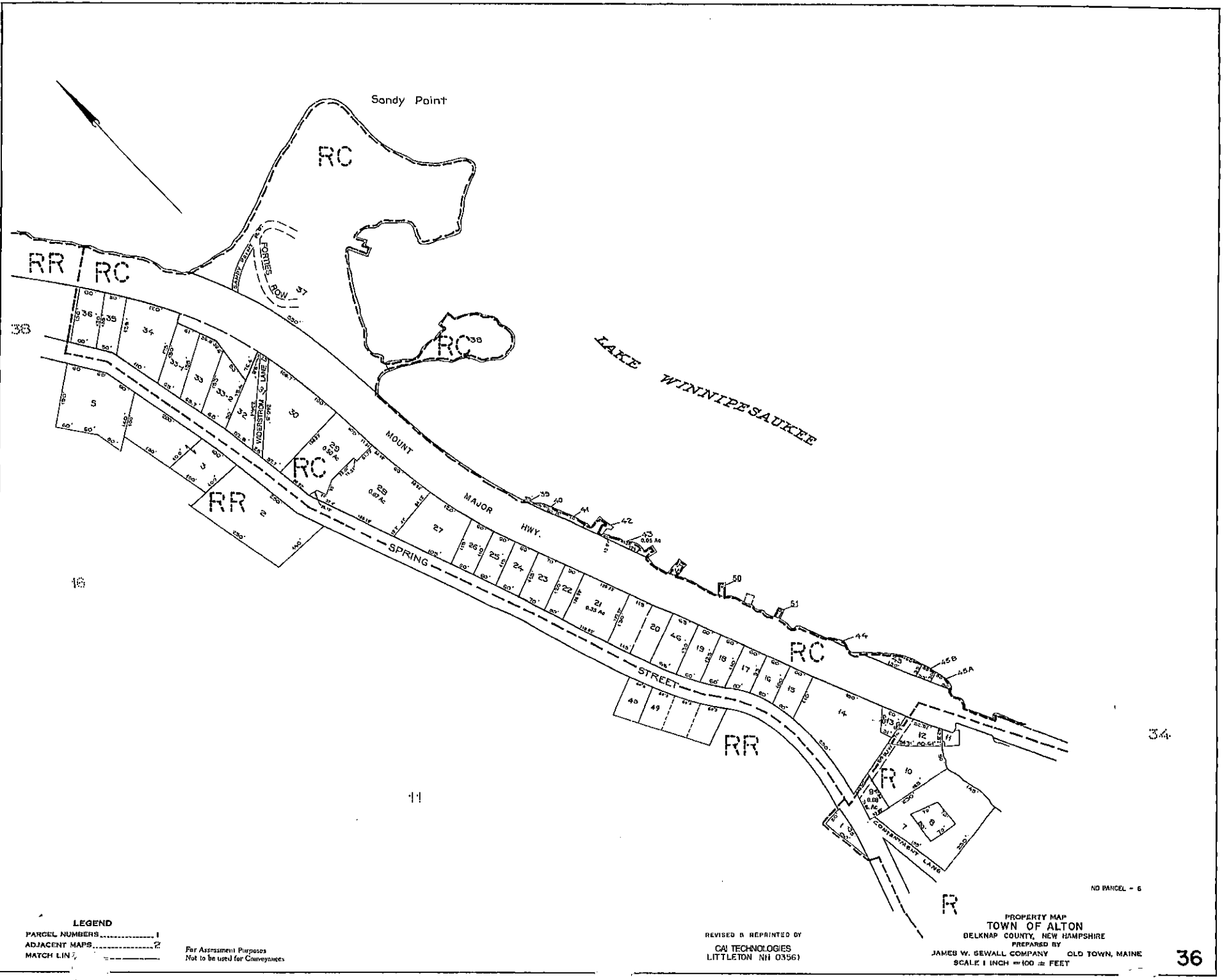
Thank you again for the opportunity to comment on this legislation. If you have questions or need additional information, please contact Robert Tardif, Subsurface Systems Bureau Administrator at 603-271-2904 or robert.a.tardif@des.nh.gov or Darlene Forst, Wetlands Bureau Administrator at 603-271-4054 or darlene.c.forst@des.nh.gov.

Sincerely,



Robert R. Scott
Commissioner

cc: Sponsor of SB 244: Senator Cavanaugh



Sandy Point

RC

RR / RC

LAKE WINNIPESAUKEE

MOUNT

RC

RR

RC

MAJOR HWY.

SPRING

RC

RR

STREET

R

R

34

11

NO PARCEL - 6

LEGEND
 PARCEL NUMBERS 1
 ADJACENT MAPS 2
 MATCH LINE

For Assessment Purposes
 Not to be used for Conveyances

REVISED & REPRINTED BY
 CAI TECHNOLOGIES
 LITTLETON NH 03561

PROPERTY MAP
 TOWN OF ALTON
 DELKNAP COUNTY, NEW HAMPSHIRE
 PREPARED BY
 JAMES W. SEWALL COMPANY OLD TOWN, MAINE
 SCALE 1 INCH = 100 ± FEET

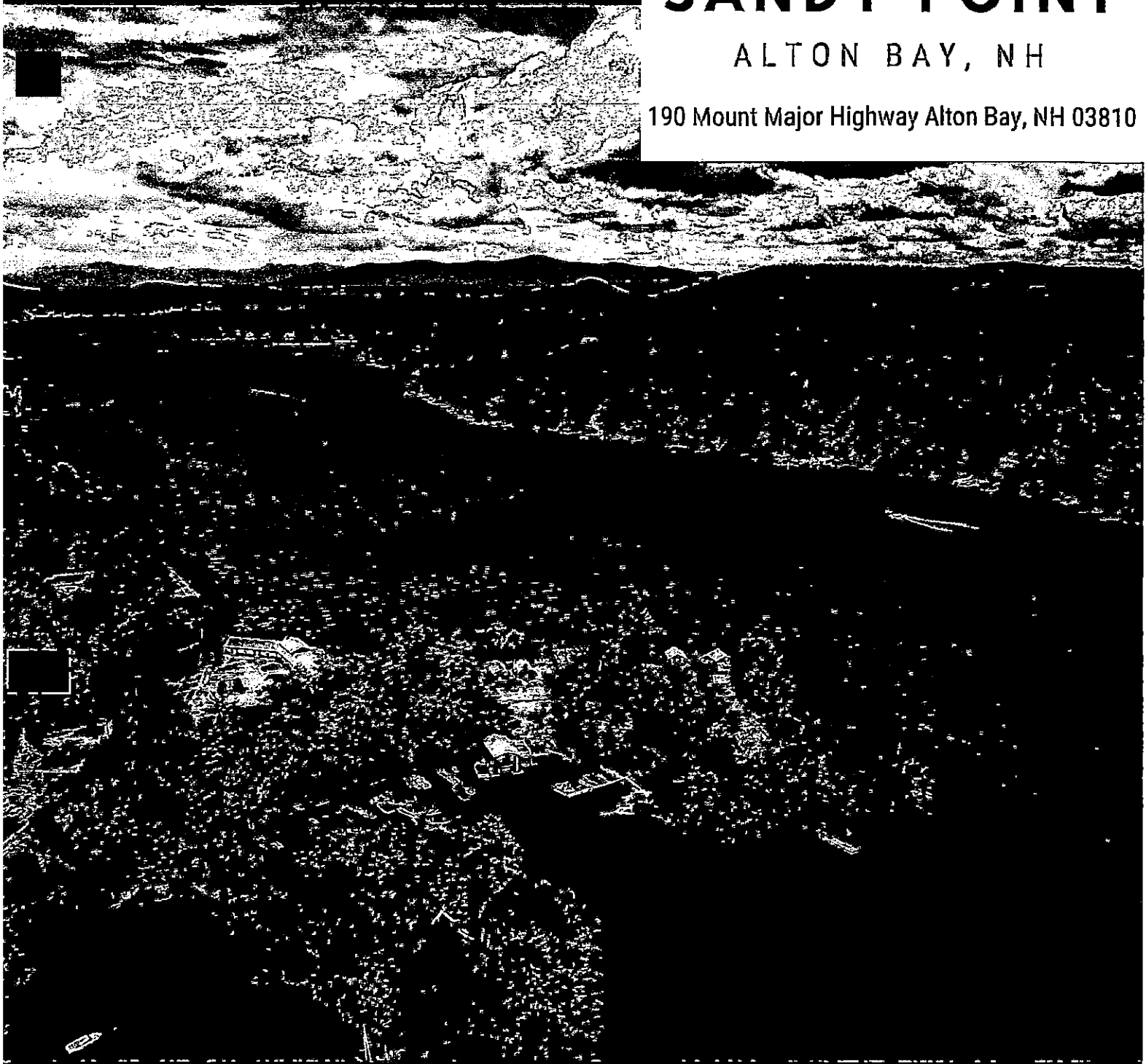
36

FOR SALE

SANDY POINT

ALTON BAY, NH

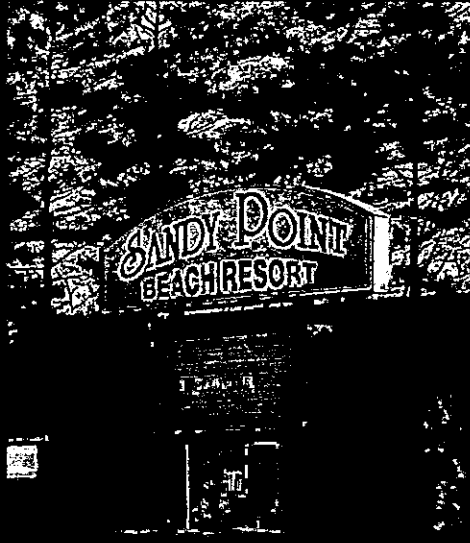
190 Mount Major Highway Alton Bay, NH 03810



**62 UNIT
MIXED USE
PROPERTY**

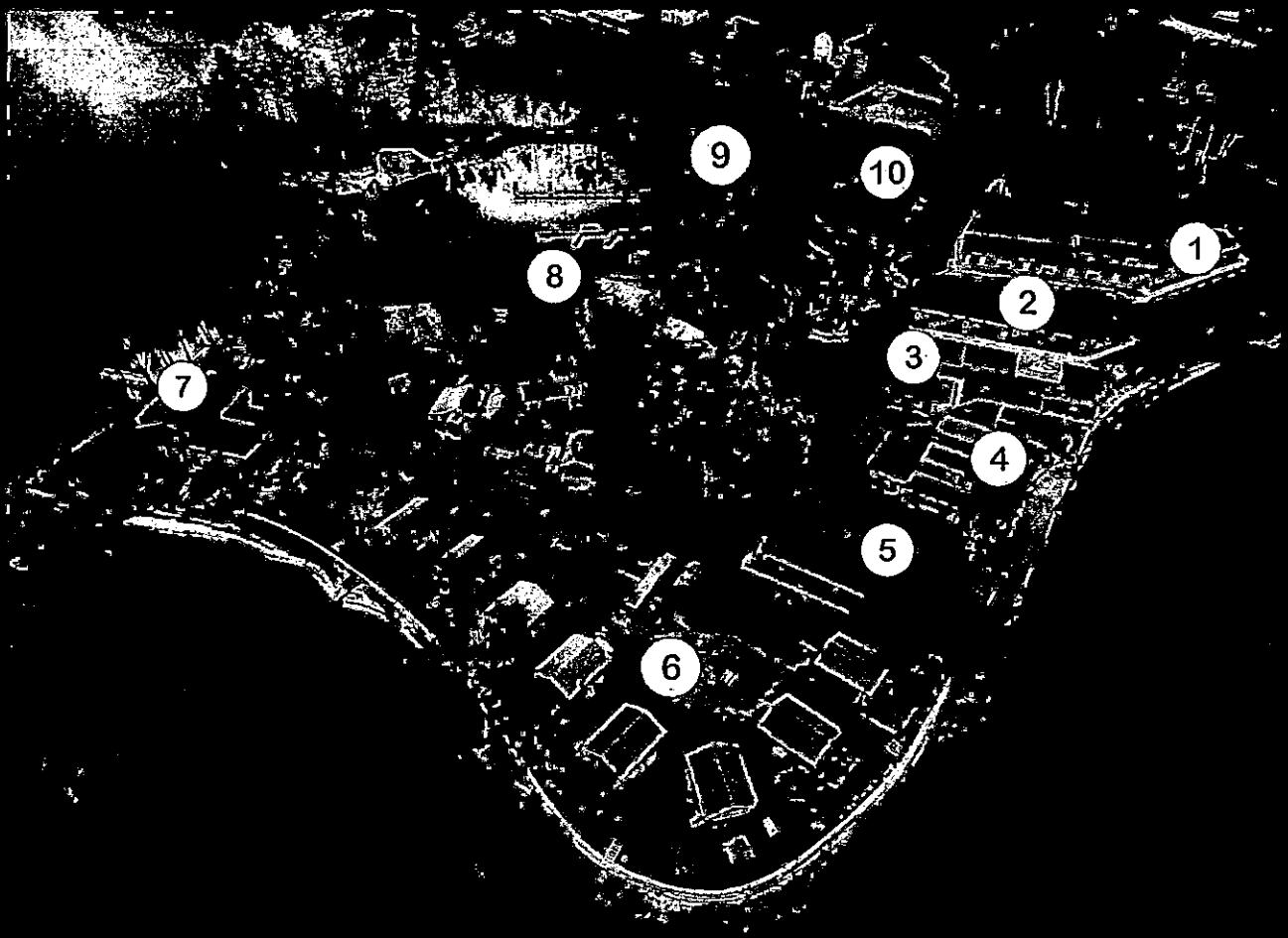
**2,000 FT OF LAKE
WINNIPESAUKEE
WATERFRONT**

THE LEGACY HOME GROUP • SANDYPOINTFORSALE.COM



RESIDENTIAL COMMERCIAL ZONING PROVIDES
EXTENSIVE POTENTIAL

PROPERTY MAP



- 1 Scenic Motel - 12 motel rooms, 1 apartment
- 2 Hillside Motel - 4 1 bed/1bath apts, sundeck
- 3 3.2 bedroom apartments, 1 workshop
- 4 Beachfront Cottages - 1+ bed 1 bath
- 5 Beach Motel - 2 bedroom Unit, 4 1 bed units
- 6 Waterfront Cottages 2 bed 1 bath
- 7 Single Family Home with garage and private dock
- 8 Boat House, boat launch and lift and 40+ dock slips
- 9 Cove Cottages - Ranging from studios to 3 bed 2 bath
- 10 4,000 Sq Ft Resturant - 150+ seating capacity

**JOHN G. CRONIN
722 CHESTNUT STREET
MANCHESTER, NEW HAMPSHIRE 03104**

EDUCATION

UNIVERSITY OF NEW HAMPSHIRE, SCHOOL OF LAW
Concord, New Hampshire
Juris Doctorate Degree, May 1989

ANNA MARIA COLLEGE, Paxton, Massachusetts
Master of Science, Business Administration, December 1985

MERRIMACK COLLEGE, North Andover, Massachusetts
Bachelor of Science, Business Administration, May 1982

NORTHWESTERN UNIVERSITY, Chicago, Illinois
Certificate, Mediation Studies, January, 2017

PROFESSIONAL EXPERIENCE

CRONIN, BISSON & ZALINSKY, P.C. (formerly Wenger & Cronin, P.C. (1991 - 2004) and Cronin & Bisson, P.C. (2004 - 2012)), Manchester, New Hampshire
Attorney, Officer, Director, Shareholder (September 1991 - Present)
General law practice providing representation in civil litigation, the acquisition, development, and management of commercial real estate, tax abatement services, real estate law, insurance law, community association law, and bankruptcy.

TEACHING EXPERIENCE

Franklin Pierce College, Adjunct Faculty (1986 - 1989)
Southern New Hampshire University (1995)
Various Lectures of New Hampshire Continuing Legal Education Courses

CURRENT BOARD SERVICE

Chairman, Catholic Medical Center
Chairman, Manchester Police Commission
President, Pine Tree Place Condominium Association
Trustee, Sakowich Foundation

ORGANIZATIONS

Member of New Hampshire, Manchester, Massachusetts Bar Associations and New Hampshire Associations for Justice.
Member of the University of New Hampshire School of Law Advisory Board
Member of the Board of Directors and Chairman, Catholic Medical Center
Chairman of Compliance Committee, Catholic Medical Center
Member of Governance Committee, Catholic Medical Center
Member of Executive Compensation Committee, Catholic Medical Center
Member of the Board of Directors, Camp Allen
Past Attorney Member, New Hampshire Real Estate Commission

Past member of the Board of Commercial Investment Board of Realtors (CIBOR)
Member and President of Pine Tree Place Condominium Association
Member of the Apartment Association of New Hampshire (former President)
Member of the National Automotive Dealers Association of New Hampshire
Formerly licensed as Public Insurance Adjuster in New Hampshire and Massachusetts.

PRIOR EXPERT TESTIMONY

John Cronin has been retained as an expert to testify in legal cases involving real estate, condominium and fire insurance matters.

PUBLICATIONS

Seat Belt Defense, *NH Trial Bar News* 1987

Articles Published in *Cronin & Bisson, P.C. Newsletters*

July 2002 Read Your Fire and Property Insurance Policy Carefully
July 2001 Know the Requirements for Mechanic's Lien
October 2002 Take a Hike! Real Estate Due Diligence
April 2003 Commercial Broker Liens
April 2003 Pending Legislation: Workforce Housing
April 2003 Get the Lead Out!
July 2003 Mind Your E's and Q's - EQ Ratios Plummet
January 2004 Oh Well! Water, Water "NOWHERE"
January 2005 What Time Is It - In the Eyes of Your Insurance Company
April 2007 Is There a Hole in Your Umbrella?
April 2007 What Time is It? Time to Start Active and Substantial Development
April 2007 The Trading Game - "In Lieu" Wetlands Mitigation

Voting Sheets

**Senate Election Law
& Municipal Affairs Committee
EXECUTIVE SESSION RECORD
2022 Session**

Bill **SB 244**

Hearing date: 1/24/22

Executive Session date: 2/14/22

Motion of: IS Vote: 4-1

Committee Member	Present	Made by	Second	Yes	No
Sen. Gray, Chair	X	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Birdsell, Vice Chair	X	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Ward	X	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Soucy	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sen. Perkins-Kwoka	X	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: _____ Vote: _____

Committee Member	Present	Made by	Second	Yes	No
Sen. Gray, Chair	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Birdsell, Vice Chair	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Ward	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Soucy	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Perkins-Kwoka	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Motion of: _____ Vote: _____

Committee Member	Present	Made by	Second	Yes	No
Sen. Gray, Chair	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Birdsell, Vice Chair	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Ward	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Soucy	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Perkins-Kwoka	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Reported out by: Sen. Gray

Notes: _____

Committee Report

General Court of New Hampshire - Bill Status System

Docket of SB244

Docket Abbreviations

Bill Title: relative to non-conforming structures and variances.*Official Docket of SB244.:*

Date	Body	Description
12/14/2021	S	To Be Introduced 01/05/2022 and Referred to Election Law and Municipal Affairs; SJ 1
1/18/2022	S	Hearing: 01/24/2022, Room 100, SH, 01:15 pm; SC 4
2/15/2022	S	Committee Report: Referred to Interim Study, 02/24/2022; SC 8
2/24/2022	S	Refer to Interim Study, MA, VV; 02/24/2022; SJ 4

NH House

NH Senate

Other Referrals

Senate Inventory Checklist for Archives

Bill Number: SB 244 Senate Committee: ELMA

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

Final docket found on Bill Status

Bill Hearing Documents: (Legislative Aides)

- Bill version as it came to the committee
 - All Calendar Notices
 - Hearing Sign-up sheet(s)
 - Prepared testimony, presentations, & other submissions handed in at the public hearing
 - Hearing Report
- Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

Committee Action Documents: (Legislative Aides)

All amendments considered in committee (including those not adopted):

- amendment # 02205 - amendment # _____
- amendment # _____ - amendment # _____

- Executive Session Sheet
- Committee Report

Floor Action Documents: (Clerk's Office)

All floor amendments considered by the body during session (only if they are offered to the senate):

- amendment # _____ - amendment # _____
- amendment # _____ - amendment # _____

Post Floor Action: (if applicable) (Clerk's Office)

- Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):
- Enrolled Bill Amendment(s)
- Governor's Veto Message

All available versions of the bill: (Clerk's Office)

as amended by the senate	as amended by the house
final version	

Completed Committee Report File Delivered to the Senate Clerk's Office By:

Committee Aide

Date

Senate Clerk's Office **TW**