OCTOBER 3, 2016

DEBRA A. HOWLAND

EXECUTIVE DIRECTOR

NEW HAMPSHIRE PUBLIC UTILITIES COMMISSION

21 S. FRUIT ST. SUITE 10

CONCORD, NEW HAMPSHIRE 03301

RE: FORMAL COMPLAINT CONCERNING AN ADDITIONAL BASE FEE/NEW METER CHARGES AT 17 MAYFLOWER LANE, MOULTONBORO,NH. 03254

DEAR MS. HOWLAND,

REFERENCING THE DIRECTOR OF WATER, MR MARK NAYLOR'S EMAIL OF AUGUST 12, 2016 (SEE EXHIBIT D) WHERE IT WAS STATED THAT HE DID NOT DISAGREE WITH THE DECISION TO CHARGE TWO BASE CHARGES FOR THE TWO DWELLING UNITS, I AM FILING A FORMAL COMPLAINT AS SUGGESTED.

THE FACTS ARE AS FOLLOWS:

1. I BUILT A GARAGE WITH A BUNKHOUSE AND RECEIVED AN OCCUPANCY PERMIT ON JANUARY 7, 2016. THE BUILDING PERMIT AND OCCUPANCY PERMIT BOTH SPECIFICALLY STATE THAT THIS IS A BUNKHOUSE NOT A DWELLING. I AM NOT ALLOWED TO HAVE ANY COOKING FACILITIES IN THIS BUNKHOUSE INCLUDING HOT PLATES, A MICROWAVE, GAS GRILL OR THE LIKE. (SEE EXHIBIT A)

2. UNDER NEW HAMPSHIRE STATUTE 150-5, DEFINITIONS: A BUNKHOUSE IS AN ACCESSORY STRUCTURE SUBORDINATE TO THE PRIMARY STRUCTURE CONTAINING SLEEPING FACILITIES WHICH MAY BE ACCOMPANIED BY SANITARY FACILITIES BUT DOES NOT CONTAIN COOKING FACILITIES. (SEE EXHIBIT B)

3. UNDER NEW HAMPSHIRE STATUTE 150-5, DEFINITIONS: A DWELLING IS ANY STRUCTURE WITH KITCHEN AND SANITARY FACILITIES WHOSE INTERIOR SPACES ARE DESIGNED, ADAPTED, OR USED TO ACCOMMODATE RESIDENTIAL OVERNIGHT HABITATION ON AN ONGOING, SEASONAL, OR OCCASIONAL BASIS. (SEE EXHIBIT B)

4. UNDER CARROLL COUNTY CODE 175-175, TERMS DEFINED: DWELLING UNIT: ONE OR MORE ROOMS ARRANGED, DESIGNED OR USED FOR RESIDENTIAL PURPOSES FOR ONE HOUSEHOLD AND CONTAINING INDEPENDENT SANITARY AND COOKING FACILITIES. THE PRESENCE OF COOKING AND SANITARY FACILITIES CONCLUSIVELY ESTABLISHES THE INTENT TO USE FOR RESIDENTIAL PURPOSES. (SEE EXHIBIT C).

5. IN AN EMAIL DATED AUGUST 12, 2016. MARK NAYLOR AGAIN REFERS, IN ERROR, TO MY BUNKHOUSE AT 17 MAYFLOWER LANE AS A DWELLING. (SEE EXHIBIT D)

OCTOBER 3, 2016

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CONCORD, NEW HAMPSHIRE 03301

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5. IN AN EMAIL DATED AUGUST 12, 2016. MARK NAYLOR AGAIN REFERS, IN ERROR, TO MY BUNKHOUSE AT 17 MAYFLOWER LANE AS A DWELLING. (SEE EXHIBIT D)

6. IN A LETTER SENT TO ME BY LEAH VALLADARES OF LAKES REGION WATER CO. ON APRIL 26, 2016: IT STATED AN INSPECTION OF THE WATER SERVICE CONNECTION MUST BE DONE...TO INSURE THAT I WAS IN COMPLIANCE WITH NH RSA 539:7 AS WELL AS THE TERMS AND CONDITIONS OF THE TARIFF. AFTER A THOROUGH READING OF BOTH RSA 539:7 AND THE LAKES REGION WATER COMPANY'S TARIFF. AT NO POINT DO EITHER REFERENCES STATE THAT A BUNKHOUSE SHALL BE CONSIDERED TO HAVE THE SAME EFFECT AS A DWELLING AND THEREFORE BE REQUIRED TO HAVE A SEPARATE METER WITH THE RESULTING INCREASE IN THE BASE RATE EVERY QUARTER. WHEN ASKED FOR SUCH A REFERENCE FROM MR. NAYLOR NONE WAS EVER GIVEN. (SEE EXHIBIT E)

7. THERE ARE SEVERAL HOMEOWNERS IN THE BALMORAL ASSOCIATION, MY NEIGHBORHOOD, UNDER THE EXACT CIRCUMSTANCES THAT DO NOT PAY ADDITIONAL FIXED RATE FEES.

8. RSA 674 BECOMES EFFECTIVE JUNE 1, 2017

IN CONCLUSION, I HAVE PROVIDED EVIDENCE THAT MY BUNKHOUSE AT 17 MAYFLOWER LANE IS NOT CONSIDERED A SINGLE FAMILY DWELLING UNDER ANY RULE, TARIFF OR REGULATION AND THEREFORE DOES NOT REQUIRE A SEPARATE WATER METER AND ASSOCIATED CHARGE. FURTHERMORE, DESPITE REPEATED REQUESTS, BOTH LAKES REGION WATER AND MARK NAYLOR HAVE NOT PROVIDED A TARIFF, RULE OR REGULATION JUSTIFYING AN ADDITIONAL FIX RATE CHARGE.

I THEREFORE REQUEST A RESOLUTE FINDING TO END THE CONTINUOUS THREATS OF WATER SHUTOFF FOR NONPAYMENT FROM LAKES REGION WATER.

THANK YOU,

ROBERT MYKYTIUK

17 MAYFLOWER LANE

MOULTONBOROUGH, NH 03254

(603) 986-8836

Exhibit A

TOWN OF MOULTONBOROUGH
New Hampshire

Certificate of Use and Occupancy

Ref: IBC Code Section 110

Tax Map 99 Lot 36

Applicant: Robert Mykytiuk

Owner: Same

Address: 17 Mayflower lane

Contractor: Name Cahoon

Address

Phone No.

This is to certify that the following structure (description):

35x45 garage with Bunk house above, "No cooking facilities"

is found to substantially comply with the provisions of the IBC Building Code of the Town of Moultonborough, New Hampshire.

Special Conditions: No cooking facilities associated with this structure to include Hot Plates, Micro, Gas Grill or the like, without Additional Town Approvals

Verified By: Building Inspector Donald E Cahoon

Fire Department

Other Septic # 2014120351 HOC community

ISSUED BY:

DATE OF ISSUANCE: 1-7-2016

TOWN SEAL

1 - OWNER 2 - BOARD OF SELECTMEN 3 - OFFICE FILE

Exhibit B

(3) This language will not be on the ballot and is provided here for a complete review of the proposed changes.

Before and After language: Deleted text is in ~~strikethrough~~ and proposed text is in *italics*.

1. § 150-5. Definitions

Add: *Bunkhouse / Sleeping Cabin – An accessory structure subordinate to the primary structure containing sleeping facilities which may be accompanied by sanitary facilities but does not contain cooking facilities.*

Purpose: To define structures which exist throughout the town which are accessory structures used for additional sleeping quarters.

Delete: ~~Accessory Dwelling – Any accessory structure without kitchen and sanitary facilities whose interior spaces are designed, adapted or used to accommodate human habitation on an ongoing, seasonal, or occasional basis.~~

Purpose: This existing definition contains language that is subjective and ambiguous and open to interpretation.

Amend: Dwelling – Any structure with kitchen and~~/or~~ sanitary facilities whose interior spaces are designed, adapted, or used to accommodate residential overnight habitation on an ongoing, seasonal, or occasional basis. The term 'dwelling' includes but is not limited to any building, structure, trailer, mobile home, manufactured house or part thereof that is used residentially or intended for residential use and occupancy.

Purpose: To clarify that a dwelling contains the three components for habitation: sleeping, cooking, and sanitary facilities.

Add: *Accessory Apartment – An accessory apartment is a complete dwelling unit that is contained within and/or attached to a single-family dwelling in which the title is inseparable from the primary dwelling. An accessory apartment shall have a maximum of 1,000 square feet of living space.*

Purpose: To describe the components and requirements of an accessory apartment

2. § 150-7. Permitted structures and uses.

150-7 Permitted structures and uses.
A. Rural/Residential-District A
(11) Accessory Apartments - The purpose and intent is to provide expanded and alternative

Exhibit C

§ 175-175 Terms defined.

The property is maintained dust-free by paving with one of the following methods:

A. Bituminous paving.

B. Concrete.

C. Suitable compacted crushed rock or gravel.

DWELLING GROUP OR CLUSTER

A pattern of residential development where units are grouped together on lots around access courts with the remainder of the lot left in its natural condition or as common open space.

DWELLING UNIT

One or more rooms arranged, designed or used for residential purposes for one household and containing independent sanitary and cooking facilities. The presence of cooking and sanitary facilities conclusively establishes the intent to use for residential purposes. "Dwelling unit" is further defined as follows:

A. **DWELLING, MULTIUNIT**
A building and accessories thereto principally used, designed or adapted with three or more dwelling units, each of which has separate living quarters.

B. **DWELLING, DUPLEX**
A building and accessories thereto principally used, designed or adapted with two dwelling units of similar proportions, the living quarters for each of which are completely separate.

C. **DWELLING, SINGLE-FAMILY**
A building and accessories thereto principally used, designed or adapted as a single dwelling unit.

EDUCATIONAL FACILITIES

A building or part thereof principally used, designed or adapted for educational use or instruction in any branch of academic or religious knowledge.

ELDERLY HOUSING

Housing principally used, designed or adapted for use by elderly citizens, 55 years of age and older, and complying with the design requirements of the Architectural Barrier Free Design Code for the State of New Hampshire, as amended, and licensed by the appropriate state agencies. Elderly housing may be contained in a single building or groups of buildings and may be further classified as follows:

A. **CONGREGATE HOUSING**
A place of residence for elderly couples or individuals, providing services such as meals, housekeeping, limited nursing care, recreational programs and related management support systems.

By using this website you agree to be legally bound by the Terms of Use. If you do not agree to the Terms of Use, please do not use this website.

Exhibit D

Subject: Lakes Region Water Company

From: Naylor, Mark (Mark.Naylor@puc.nh.gov)

To: rmykytiuk@yahoo.com;

Cc: Eileen.Hadley@puc.nh.gov; Amanda.Noonan@puc.nh.gov;

Date: Friday, August 12, 2016 12:48 PM

Dear Mr. Mykytiuk,

Staff has reviewed the company's response and we do not disagree with the decision to charge two base charges for the two dwelling units on your property. If you are dissatisfied with the outcome of the conversations that you have had with Commission Staff as we worked to reach a resolution to your concerns, your next step is to file a formal complaint or request a hearing with the Commission. Because of the quasi-judicial nature of the Commission, the Commissioners, much like judges, cannot have ex parte conversations with the public regarding matters which may come before them. Instead, those conversations would occur through written communications, like a request for a hearing, and, if a hearing was granted, during the hearing itself.

You may file a formal complaint with the Commission as provided for under Puc 204 (http://www.puc.nh.gov/Regulatory/Rules/Puc200.pdf) and outlined below.

Puc 204.01 Submission of Formal Complaints.

(a) Any person wishing to make a formal complaint to the commission regarding an entity over which the commission has jurisdiction shall do so by filing the complaint in writing with the executive director pursuant to Puc 203.02.

(b) The provisions of Puc 203 shall not apply to complaints filed pursuant to this rule unless the commission institutes adjudicative proceedings pursuant to Puc 204.05.

Please note, Puc 203.02 requires that one original and six paper copies of the complaint, all double-sided, be filed with the Executive Director, and an electronic copy be sent to the Executive Director and to the Office of Consumer Advocate.

Should you have questions about the process for requesting a hearing, please consult with the Commission's procedural rules (http://www.puc.nh.gov/Regulatory/Rules/Puc200.pdf) and Commission's Practice Guide (http://www.puc.nh.gov/Regulatory/practiceguide.htm). All hearing requests are considered by the Commission, and the Commission will grant or deny the request following its consideration of the request.

Sincerely,

Mark A. Naylor

Director, Gas & Water Division

New Hampshire Public Utilities Commission

21 S. Fruit St., Suite 10

Exhibit E

LAKES REGION WATER COMPANY INC.

420 Governor Wentworth Highway, PO Box 389
Moultonborough, NH 03254
Telephone: 603-476-2348, Fax: 603-476-2721

April 26, 2016

Robert Mykytiuk
PO Box 842
Moultonborough, NH 03254

Re: 17 Mayflower Lane - INSPECTION of SERVICE CONNECTION

Dear Mr. Mykytiuk,

It has come to our attention that you have built a second single family dwelling on your property Map 99/Lot 36 per your "Application for Building Permit" dated 11/03/14. All new dwellings are considered separate units and are required to complete an "Application for Service" as well as a new meter installed per our Tariff. An inspection of the water service connection must be done by Lakes Region Water in order to insure that you as the property owner are in compliance with NH RSA 539:7 as well as the Terms and Conditions of the Tariff.

Enclosed is an "Application for Service" for your convenience and please contact the office to set up an appointment with the Field Supervisor Justin Benes and myself for the **inspection within 10 days of this letter to avoid disconnection of service**.

Sincerely,
Leah Valladares
Utility Manager

CC: Tom Mason

Email: Lrwater@Lakesregionwater.com
Website: www.Lakesregionwater.com

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Sixteen

AN ACT relative to accessory dwelling units.

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

6:1 Findings. The general court declares that:

I. There is a growing need for more diverse affordable housing opportunities for the citizens of New Hampshire.

II. Demographic trends are producing more households where adult children wish to give care and support to parents in a semi-independent living arrangement.

III. Elderly and disabled citizens are in need of independent living space for caregivers.

IV. There are many important societal benefits associated with the creation of accessory dwelling units, including:

(a) Increasing the supply of affordable housing without the need for more infrastructure or further land development.

(b) Benefits for aging homeowners, single parents, recent college graduates who are saddled with significant student loan debt, caregivers, and disabled persons.

(Integrating affordable housing into the community with minimal negative impact.

(d) Providing elderly citizens with the opportunity to live in a supportive family environment with both independence and dignity.

6:2 New Subdivision; Accessory Dwelling Units. Amend RSA 674 by inserting after section 70 the following new subdivision:

Accessory Dwelling Units

674:71 Definition. As used in this subdivision, "accessory dwelling unit" means a residential living unit that is within or attached to a single-family dwelling, and that provides independent living facilities for one or more persons, including provisions for sleeping, eating, cooking, and sanitation on the same parcel of land as the principal dwelling unit it accompanies.

674:72 Accessory Dwelling Units.

I. A municipality that adopts a zoning ordinance pursuant to the authority granted in this chapter shall allow accessory dwelling units as a matter of right or by either conditional use permit pursuant to RSA 674:21 or by special exception, in all zoning districts that permit single-family dwellings. One accessory dwelling unit shall be allowed without additional requirements for lot size, frontage, space limitations, or other controls beyond what would be required for a single-family dwelling without an accessory dwelling unit. The r nicipality is not required to allow more than one accessory dwelling unit for any single-family dwelling.

II. If a zoning ordinance contains no provisions pertaining to accessory dwelling units, then one accessory dwelling unit shall be deemed a permitted accessory use, as a matter of right, to any single-family dwelling in the municipality, and no municipal permits or conditions shall be required other than a building permit, if necessary.

III. An interior door shall be provided between the principal dwelling unit and the accessory dwelling unit, but a municipality shall not require that it remain unlocked.

IV. Any municipal regulation applicable to single-family dwellings shall also apply to the combination of a principal dwelling unit and an accessory dwelling unit including, but not limited to lot coverage standards and standards for maximum occupancy per bedroom consistent with policy adopted by the United States Department of Housing and Urban Development. A municipality may require adequate parking to accommodate an accessory dwelling unit.

V. The applicant for a permit to construct an accessory dwelling unit shall make adequate provisions for water supply and sewage disposal for the accessory dwelling unit in accordance with RSA 485-A:38, but separate systems shall not be required for the principal and accessory dwelling units.

VI. A municipality may require owner occupancy of one of the dwelling units, but it shall not specify which unit the owner must occupy. A municipality may require that the owner demonstrate that one of the units is his or her principal place of residence, and the municipality may establish reasonable regulations to enforce such a requirement.

VII. A municipality may establish standards for accessory dwelling units for the purpose of maintaining the aesthetic continuity with the principal dwelling unit as a single-family dwelling. A municipality may also establish minimum and maximum sizes for an accessory dwelling unit, provided that size may not be restricted to less than 750 square feet.

VIII. A municipality may not require a familial relationship between the occupants of an accessory dwelling unit and the occupants of a principal dwelling unit.

A municipality may not limit an accessory dwelling unit to only one bedroom.

X. An accessory dwelling unit may be deemed a unit of workforce housing for purposes of satisfying the municipality's obligation under RSA 674:59 if the unit meets the criteria in RSA 674:58, IV for rental units.

674:73 Detached Accessory Dwelling Units. 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. If a municipality allows detached accessory dwelling units, it may require an increased lot size.

6:3 Innovative Land Use Controls. Amend RSA 674:21, I(l)-(o) to read as follows:

(l) [~~Accessory dwelling unit standards.~~

~~(m)~~] Impact fees.

[~~(n)~~] ***(m)*** Village plan alternative subdivision.

[~~(o)~~] ***(n)*** Integrated land development permit option.

6:4 Innovative Land Use Controls; Accessory Dwelling Units. Amend RSA 674:21, IV to read as follows:

IV. As used in this section:

(a) "Inclusionary zoning" means land use control regulations which provide a voluntary incentive or benefit to a property owner in order to induce the property owner to produce housing units which are affordable to persons or families of low and moderate income. Inclusionary zoning includes, but is not limited to, density bonuses, growth control exemptions, and a streamlined application process.

(b) [~~"Accessory dwelling unit" means a second dwelling unit, attached or detached, which is permitted by a land use control regulation to be located on the same lot, plat, site, or other division of land as the permitted principal dwelling unit.~~

~~(e)~~] "Phased development" means a development, usually for large-scale projects, in which construction of public or private improvements proceeds in stages on a schedule over a period of years established in the subdivision or site plan approved by the planning board. In a phased development, the issuance of building permits in each phase is solely dependent on the completion of the prior phase and satisfaction of other

conditions on the schedule approved by the planning board. Phased development does not include a general limit on the issuance of building permits or the granting of subdivision or site plan approval in the municipality, which may be accomplished only by a growth management ordinance under RSA 674:22 or a temporary moratorium or limitation under RSA 674:23.

6:5 Effective Date. This act shall take effect June 1, 2017.

Approved: March 16, 2016

Effective Date: June 1, 2017

LAKES REGION WATER CO. INC.

BOX 389
MOULTONBORO, NH 03254
TEL.: 603.476.2348
FAX: 603.476.2721

WATER BILL
AT YOUR SERVICE

ACCOUNT NUMBER	BILLING DATE	LATE CHARGE APPLIED AFTER PAST DUE DATE	PAST DUE AFTER
2013220.00 98	6/30/2016	5.36	8/1/2016

CURRENT CHARGES	359.94
PREVIOUS BALANCE	-2.99
TOTAL AMOUNT DUE	356.95
TOTAL AMOUNT DUE	356.95
AMOUNT AFTER DUE DATE	362.31

Robert Mykytiuk
PO Box 842
Moultonboro, NH 03254

TO INSURE PROPER CREDIT TO YOUR ACCOUNT, PLEASE RETURN THIS PORTION WITH YOUR PAYMENT

THIS BILL DOES NOT EXTEND TIME FOR PAYMENT OF ANY PAST DUE AMOUNTS.

PLEASE KEEP THE BOTTOM PORTION FOR YOUR RECORDS. RETURN TOP PORTION WITH PAYMENT.

LAKES REGION WATER CO., INC. - CUSTOMER RECORD

SERVICE ADDRESS	BILLING DATE	1 ½% LATE CHARGE APPLIED AFTER PAST DUE DATE	ACCOUNT NUMBER
17 Mayflower Dr	6/30/2016	8/1/2016	2013220.00 98

DESCRIPTION	METER NUMBER	PRIOR READING	CURRENT READING	USAGE	AMOUNT
PS-Metered	59199068	472	489	17	89.42
PS-Fixed					270.52

The Next Meter Read Date
is going to be around 9/27/2016.
Meter Rate $5.26 per 100 CuFt
Any Questions Please Call
Lakes Region Water Company.

DATE FROM:	04/01/2016
DATE TO:	06/30/2016
DAYS:	90

CURRENT CHARGES	359.94
PREVIOUS BALANCE	-2.99
TOTAL AMOUNT DUE	356.95
AMOUNT AFTER DUE DATE	362.31

Pd BNH #1639
7/26/16

BILLS - Are rendered quarterly.

Finance charge of 18% annually charged on all accounts due over 30 days.

Per order no. 14,441, you may bring any complaint, problem, or comment to the attention of the Public Utilities Commission.

In State Toll Free 800-852-3793 Out of State (603) 271-2431

LAKES REGION WATER CO. INC.
BOX 389
MOULTONBORO, NH 03254
TEL.: 603.476.2348
FAX: 603.476.2721

OFFICE HOURS 9:00 AM TO 4:30 PM
MONDAY-FRIDAY (except holidays)
www.lakesregionwater.com
Email: lrwater@lakesregionwater.com