

**LAW OFFICES OF JOSEPH S. HOPPOCK, P.L.L.C.**

**16 Church Street, Suite 3A  
Keene, New Hampshire 03431-3872  
Telephone (603) 357-8700  
Facsimile (603) 357-8750  
www.hoppocklaw.com**

Joseph S. Hoppock, Esquire

e-mail: [jhoppock@hoppocklaw.com](mailto:jhoppock@hoppocklaw.com)

*Via Email Only: [susan.harrington.richmond@gmail.com](mailto:susan.harrington.richmond@gmail.com)*

February 9, 2022

Susan Harrington, Town Administrator  
105 Old Homestead Highway  
Richmond, NH 03470

Dear Susan:

This is responsive to the questions raised in your email of February 8, 2022, in connection with Warrant Articles. The first question concerns a Bond Article for bridge rehabilitation work, the second a Zoning Ordinance Amendment.

With respect to the Bond issue, you asked for clarification of the vote required and whether the Article goes on the Town Warrant. Your answer, as stated in your email, is correct.

The subject matter of the bond issue must appear on the Town Warrant. RSA 35:2; however, the vote occurs at the deliberative session of the Town meeting but must be "acted upon" before other business, except election of officers, amending a municipal charter and zoning matters. RSA 33:8-a, II. The "ballot" is a simple "yes" or "no" ballot. Only "votes in the affirmative or the negative shall be included in the calculation of any majority." RSA 33:8. A 3/5<sup>th</sup> majority in the affirmative is required for passage of the Bond Article. *Id.*

With respect to your second question about the Zoning Amendment Article, as I understand the issue, DRA had some concern about the wording of the Proposed Article. RSA 765:3 requires specific wording for Zoning Ordinance adoptions or amendments. It appears there are two proposed Amendments, which are to Article 2, §202.1, C and to Article 6, §601. Both Amendments involve the same language, namely, the distance for determining the location of the Wetland's Conservation District would be amended from 75 feet to 25 feet from the high water mark of any pond, lake, stream or brook, etc.

As I read the issue, the Planning Board is recommending both Amendments, regarding the Wetland's Conservation District. In that case, two questions will need to be presented. I recommend the following language to submit to the DRA:

a. First Amendment regarding Article 2, §202.1.c.:

“Are you in favor of the adoption of an Amendment to Article 2, §202.1.c., of the Richmond Zoning Ordinance, as proposed by the Planning Board for the Town, as follows: To change the distance by which the Wetland’s Conservation District is determined from 75 feet, as measured by horizontal distance from the highwater mark of any pond, stream, brook or wetland, and areas identified and delineated as poorly drained or very poorly drained soils by the Cheshire County Conservation District’s Soil Survey of Cheshire County, New Hampshire, completed in 1989 (see, Map)” to 25 feet, measured and determined in the same manner as aforesaid?”


b. Second Amendment regarding Article 6, §601:

“Are you in favor of the adoption of an Amendment to Article 6, §601 of the Town’s Zoning Ordinance, as proposed by the Planning Board for the Town, as follows: To change the distance by which the Wetland’s Conservation District is determined from 75 feet,” as measured by horizontal distance, of the highwater mark of any pond, lakes, streams and brooks or wetlands, as well as those areas identified and delineated as poorly drained or very poorly drained soils by the Soil Survey of Cheshire County, New Hampshire, completed in 1989 and shown on its filed mapping photographic sheets for the Town of Richmond, New Hampshire “to 25 feet, measured and determined in the same manner as aforesaid?”

Susan, I think this addresses your questions. Please let me know if the DRA gives you any problems with the proposed language for the Zoning Amendments and let me know if there are any questions.

Thank you and good luck.

Very truly yours,

  
Joseph S. Hoppock