**MINUTES**

**GILFORD PLANNING BOARD**

**WEDNESDAY**

**JANUARY 19, 2022**

**CONFERENCE ROOM A**

**7:00 P.M.**

The Gilford Planning Board met on Wednesday, January 19, 2022, at 7:00 p.m. in Conference Room A of the Gilford Town Hall, and via GoToMeeting.

Chair Wayne Hall welcomed everyone, led the Pledge of Allegiance, and read the rules of the meeting.

Planning Board members present in Conference Room A were Chair Wayne Hall, Selectmen’s Representative Chan Eddy, and Regular Members Jack Landow, Emily Drake, and William Johnson. Regular Member Isaac Howe was present on GoToMeeting.

Absent were Vice-Chair Carolyn Scattergood, and Alternate Members Gaye Fedorchak and Rick Notkin.

Also present was John Ayer, Director of Planning and Land Use, and Sandra Hart, Technical Assistant.

Town Attorney Eric Mayer of Donahue, Tucker & Ciandella, PLLC, was also on GoToMeeting.

W. Hall invited J. Ayer to introduce the public hearing and give a summary of the amendment and its background for the large audience present.

**1. Public Hearings**

**1.1** **Create a Short-Term Rental (STR) Ordinance** – This is a proposal to create a new Article 22, Short-Term Rentals, to regulate the impact of short-term rental of dwelling units, establish a permitting system for short-term rentals, establish regulations related to their operation, occupancy, owner responsibilities, tenant responsibilities, nuisance oversight, and life safety standards and to allow inspection of short-term rentals; to renumber the existing Article 22 and subsequent Articles as needed; and to amend Article 4, related to Permitted Uses and Regulations, and Section 21.1, to reference Conditional Use Permit requirements related to Short-Term Rentals.

J. Ayer read the public hearing information. He stated that this is the second public hearing for this proposal, and that it is not a new subject for the Planning Board but has been discussed in detail at Planning Board work sessions for months, and has been generally discussed each year for the past several years. He said the Board is not proposing to shut down short-term rentals as had been reported in an online post, and that tonight’s discussion is not going to cover the Town parking ordinance or the Town noise ordinance. The Planning Board will consider tonight whether to place this amendment on the Town Meeting warrant. He said the Planning Board’s interest is in making sure that neighborhoods are protected and said we are trying to set up a system to insure that noise and other problems related to short-term rentals are being addressed a little better.

J. Ayer then said he would provide a brief review of the proposed short-term rental draft ordinance and particularly explain changes made since the first public hearing.

22.1 Purpose and Applicability. J. Ayer said there aren’t any changes proposed to this part. He said that, just to be clear for everyone present, this ordinance would only apply to dwellings rented to transient occupancies (rented for fewer than ninety (90) consecutive days) where the dwelling is not the owner’s primary residence.

22.2 Definitions, 22.2.2 Sleeping Area. J. Ayer said the Board has decided to use the term “sleeping area” and not “bedroom”, and he read the definition for everyone.

22.3 Conditional Use Permit Required. J. Ayer recommended everyone read this section and see how it applies to their situation. He said if someone wants to have a short-term rental they would apply for a conditional use permit (CUP). He said fees will still need to be determined by the Board of Selectmen.

22.4 Permit Application Procedure. J. Ayer said this section discusses the details required for a conditional use permit application. He said the Planning Board would have to determine a maximum occupancy per sleeping area and each sleeping area must be shown with specific information on a drawing of the property. An emergency response contact must also be provided. He said information stating that the septic system is functioning properly and can handle the proposed occupancy would be required. A plan for garbage storage and removal will need to be shown, and compliance with basic life safety standards will be confirmed with an inspection by the Fire Department.

22.4.2 Duration of Permit and 22.4.3 Permit Renewals. J. Ayer said the draft ordinance proposes that each CUP would be valid for three years with the ability to renew for three year periods. He said if there are no problems with compliance, staff can do the review for the renewal.

22.5 Approval Criteria. J. Ayer said this section lists the criteria upon which an approval will be granted. He said it requires a minimum of one parking space per sleeping area. He said there is also a maximum of one parking space allowed per sleeping area under Section 22.6.3 Parking.

22.6 Regulations. J. Ayer said this section discusses the regulations that apply to all short-term rentals.

22.6.1 Sleeping Areas. This section states that only the approved sleeping areas shall be used for sleeping.

22.6.2 Guests. J. Ayer read subsection (a) which allows up to two persons per sleeping area, plus two additional guests, and children under three years count as one half of a person for calculating occupant load. He said that owners would also have to maintain records identifying name, address, and contact information and dates of stay for all occupants and make that information available to the Town within forty-eight hours of the Town’s request.

22.6.3 Parking. J. Ayer said that this would require guests to park on the property in an approved location and it would require compliance with the parking regulations set forth by the Board of Selectmen.

22.6.4 Dumpsters. J. Ayer said this would require dumpsters to be enclosed with a gated fence at least six feet high and for the dumpster to meet primary building setbacks.

22.6.5 Noise. J. Ayer said this would require that a short-term rental not interfere with a neighbor’s peaceful enjoyment of their property and that it comply with the Town’s noise ordinance and nuisance regulations. He said the Board of Selectmen will be making changes to the noise ordinance.

22.6.6 Posting. J. Ayer read this section which identifies the information that will be required to be posted on site by all short-term rentals. He said this is intended to provide people unfamiliar with the area the basic information for emergency services and to identify important requirements.

22.6.7 Owner Information. J. Ayer said this requires a short-term rental to provide the town with current contact information for the owner.

22.7 Violations and Penalties. J. Ayer said this identifies the possible penalties for violating these regulations which are similar to other penalties for a zoning violation, and includes the possible revocation of a conditional use permit.

J. Ayer offered to review anything again if needed.

W. Hall thanked J. Ayer and advised those assembled and online that the Board would do its best to listen to everyone’s concerns. He said there are many here tonight and asked everyone to come to the microphone at the front one at a time and identify themselves and their address.

Brian Lafferty of Buckboard Drive stated that he thinks that this short-term rental proposal violates the regulations as they exist. He said if these go forward and get passed then it will make them legal. He said there was a case in Portsmouth, NH that went to the New Hampshire Supreme Court and they ruled that short-term rentals are not a residential use. He said that you have to look at the table of permitted uses, the use does not meet zoning requirements in a residential district. He said if the Board votes on this it is allowing them, because currently they are not allowed in the zoning ordinance that exists today. If you vote no then you can enforce the short-term rentals in that they already violate zoning.

J. Ayer said that they have talked to the town attorney and he is of the opinion that a person can rent out his house and it’s not a separate use. It is a single family home and people can rent their homes.

Myra Michail of 1039 Cherry Valley Road said she has a unit that she rents out and where she has an accessory apartment that she lives in when she’s in the area. She thinks that a clarification needs to be made and a closer look taken at SB249 and if it is going to pass. She said that she has some mark ups that she is happy to share with the board. She went over the definition of sleeping areas and said the Board is talking about an area that is 70 square feet, which doesn’t really make sense. She said maybe a sleeping area within the room could be identified.

Ryan Schevis said he owns 132 Yasmin Drive and that it is not his primary residence. He said he’s hearing about a lot of things such as trash, noise, water, etc., and he’s recognizing those. He said that additional regulations will cause an infringement not only on the renters but on the full time residents. Short-term rentals offer an extensive amount of benefits to the area, and he would caution against these regulations.

C. Eddy said that this ordinance is aimed at the absentee owners such as LLC’s. He said they’ve been called in the past and they do nothing to resolve problems.

W. Hall said that there is a difference between a primary residence and a non-primary residence. J. Ayer said that this does not apply to primary residences.

R. Schevis said that he is up here every other week with his kids, but this is not his primary residence.

W. Hall said that is why we have proposed this CUP application. If someone’s conditional use permit is revoked, they cannot operate and that will be incentive to keep the rules. J. Landow said that realistically it’s not that burdensome and it’s only asking homeowners to do what any considerate homeowner would do and makes them responsible. This also gives the authorities some teeth. W. Hall said that rentals have occurred for many years but suddenly there’s been a change in the nature of rentals and behavior of renters and how their conduct affects quality of life. J. Landow said that this is our first attempt at this and it’s not going to be perfect.

W. Johnson said that this has been an ongoing process and we are trying to protect the people who are good neighbors. Running a house as a business is not a good neighbor, it’s just a business. C. Eddy said that we’ve looked at a number of other towns and what they have for ordinances. As J. Landow said, it’s not going to be perfect the first time around.

Jason Soukup of 101 Belknap Point Road said that his primary residence is in Manchester and his local property is a seasonal cottage. Along with a couple of other adjoining properties it has a view of the lake. He said they use it for half the season. He said they have rented this through VRBO to people in Boston. He said he and his family are people that will be impacted by this ordinance. He said they make money off the rentals. They have full time jobs and they don’t have the luxury of being here year round. J. Soukup said they’ve given their neighbors their telephone numbers in case there are any problems. He said this ordinance will have a trickle down affect. He said they pay meals and rooms tax and it varies depending on the volume of renters. He said they made a call to the Fire Department once, and they don’t use the schools. J. Soukup said they are actually adhering to all of the rules minus the opaque fence around the dumpster, but they could add that. He said that when they were trying to decide on an investment they chose Gilford and they chose property instead of stocks. He said they have a motel next door which is considered transient occupancy.

Edward Rushbrook of 15 Cross Lane asked if there were any locations where most of these problems are occurring, and what are the most common complaints. J. Ayer replied that mostly people complain about noise and parking of an excessive number of vehicles.

Vysakh Sivarajan of 87 Sleeper Hill Road said he’s been coming to the Lakes Region for at least 10 years. He lives in Brookline, NH. He said it’s been a dream of his to own a place here and they were finally able to that just last year. He said they had an opportunity to rent the house, but they have rules for the house which are to be maintained. He discussed the proposed requirements and said he thinks that some people will think that they are an issue, but he said he believes that they are an issue only in the short term. V. Sivarajan said the only thing he had an issue with are rules regarding the sleeping areas and the septic system. He said he has more of an issue with rules regarding the septic system. He said that is his problem to deal with. He said it is his problem because he wouldn’t want there to be a problem with the septic system. It’s his house, he’s the owner and he doesn’t know why he couldn’t have the number of sleeping areas he chooses to have. He said he has rules for anyone who rents his property. He disagrees that a neighbor who runs a business is not a good neighbor. He has a landscaping business next door as his neighbor and they are a good neighbor. He said he also wants to be a good neighbor and it his responsibility to have his septic pumped. He said the Town is pushing what needs to be done at his house.

Carol McMullen of 18 Cotton Hill Road said she is from Brooklyn, NY and that’s where she votes. She said that she doesn’t rent a place yet for short term, but she’s considered doing so. She said sometimes you just want a little buy back. She said the rules are horrifying to her because it sounds like she might have to be here if someone has an issue. The tax cards say what a property has for number of bedrooms and bathrooms, so the Town has some of this information already. She said having to provide a full site plan and have a fire department inspection seems somewhat overwhelming. The idea of absentee property owners is interesting. She said the tax cards don’t have phone numbers but the Town could add that information. She asked where these complaints about short term rentals are written. She said she went through the police logs and she didn’t see anything.

Lieutenant Dustin Parent, Gilford PD, said that the police logs won’t say a property is an Airbnb, they’ll just indicate a call for service such as noise, trash, parking, or whatever it may be. He said that he can assure everyone that the Police Department is getting calls complaining about short-term rentals.

J. Landow said that some neighbors have become afraid of making complaints because of the potential repercussions. He said that the Planning Board is trying to identify and resolve the problems and they are mainly tied to properties with absentee landlords. He said the Board is trying to hold them responsible.

Julie Nigro owns 11 Area Road. She said that she does not live in Gilford, she lives in North Andover, NH. She rents her home and runs her rentals with rules. She has surveillance outside of the house, so she knows who’s there at all times. She said maybe the Town could impose a fine on those that are problem properties.

C. Eddy said that an unamplified human voice is not regulated in the noise ordinance and we are working to change that, but that is something the Selectmen need to change as well as the parking regulations. Is this ordinance perfect? No, it is not and the Planning Board knows that. Whether it goes on this town meeting ballot or not, that’s what we are here to decide. He said he is glad that all those present are here as they have brought some other things to the Board’s attention.

Rob Barter of 11 Area Road said he is curious as to where the Board’s data is coming from. He’s been a police officer in Massachusetts for 20 years, so he’s aware of these issues. He also asked how the Town knows they are short-term rentals. C. Eddy responded that the Board and staff have heard complaints from abutting neighbors, and mostly it’s in the Gunstock Acres area. J. Landow said that he did receive one complaint from the Dockham Shore Road area. J. Ayer said that people living next door to these places know that these are short-term rentals. There are different cars, different license plates, and different people every week.

R. Barter said that one of the first things that they did when they were going to start renting short term was to go around to the neighbors to make them aware. Discussion ensued. R. Barter said he would like to see statistics for the area, some data to show what percentage of short-term rentals are a problem.

J. Nigro explained how many people she allows to stay at her house now and said that the new ordinance will limit that for her. C. Eddy said that the ordinance doesn’t really limit the number of people if the house is connected to sewer, but now we will have to do that. J. Nigro said that not all owners of short-term rentals in the same box. J. Landow said that the Board understands that it’s a small minority causing the problems.

Douglas Bean, owner of 41 Glendale Place, said that there is a big liability problem that is going to exist with this and there are people that will have problems with it. If there is an insurance company involved, they have rules that need to be followed. He said that the Board should plan to do this for next year or later so this will not affect this year’s upcoming rentals. Some folks already have rented for this year and this will affect them. He said it would also allow the Town time to have the budget and resources to enforce this.

C. Eddy reiterated that this is the Planning Board’s first stab at this.

Greg Andrews of 32 Cross Lane said that the Board knows that he’s been to these meetings for a year and half now. He said he has no problem with Vrbo. He said what we are looking for is the quality of life we moved here for. He said they have been in contact with the owners of the properties around them and he has learned that the renters will lie to the owners. He understands that many people have established rules. The neighbors of these rental units just want the renters to follow the rules. He said even if the owners put rules in place, the renters just lie and say that they are keeping them. He said he and others who support the ordinance want to enjoy a reasonable quality of life. He said he wants everyone to understand that short-term rentals are ruining the community and he can’t even sleep at his home in the summer time. He said he wants everyone to understand that not everyone is going to complain and not everyone is going to call the police, but maybe now with this ordinance they will have some kind of authority and there will be a limit to the number of people that are problems. He said this ordinance will change things. He said that they have problems with renters even on Tuesdays, not just weekends. The absentee owners don’t understand and surveillance equipment doesn’t always help them see the problem. He said the short-term rentals that are near him have surveillance but that doesn’t stop the renters.

Deb Sullivan of 109 Tate Road said that she lives in the Acres. She said she appreciates all the work that has been done with this. She said she has also been attending these meetings for a while now. She appreciates everyone who has been working to get an ordinance in place and there are a lot of those people here today. She said that she was who brought up the issue about dumpsters. She said there is an LLC that left a dumpster unattended for several weeks; fortunately it was during the winter. She said overcrowding is an issue for all of us. She recognizes that Lake Winnipesauke is where we all want to be and we all want to co-exist. She said we are simply asking for an ordinance with rules that need to be followed. This is reasonable and safe and these are things that anyone should do to be a good neighbor alongside people who have to go work the next day. She said she strongly agrees with moving this forward to the ballot and having people vote on it.

Betsy Simon of 7 Judges Way said the Board has come a long way since the beginning of this and she thanked all involved for their work. She said the trash is an issue. The full time residents are feeling the impacts of these absentee property owners. She said she has to pay for pest control due to others. She said she has to pick up trash after every renter is gone, she has to pick up fireworks, and she’s had her bushes run over. She said some of these people have been living here for 40 years and noted that the quality of life in the last 10 years has deteriorated. She said she wishes that there were impact fees. She hopes that this passes and thanked the Board for doing what it can do.

Diana Andrews of 32 Cross Lane said there are three Airbnb’s next to them. She said she is all for capitalism, but she has many issues with short-term rentals such as noise and 15 or more people in one place over a weekend. She said parking in the road is a problem and it is made worse since the roads are narrow and it’s hard to get by. She said she’s always picking up bottles and cans on her property. There is frequently loud talking and she can’t enjoy her own house. She said she can record people outside from the inside of her house. She has anxiety when she gets home and sees unfamiliar cars parked at the neighbor’s. She said the owners don’t know what’s going on at their rental properties. She said she has pictures and videos of the problems if the Board wanted to see them. She asked that this be passed.

Jeremy Vega of 289 Dockham Shore Road, Unit 3, said he purchased his unit from his father in 2010, and the family has owned it since the 1980’s. When we buy a property in America there is a bundle of rights with that. He said he is here a lot and he loves the Lakes Region. He said he’s vested here and he loves this community. He lives in Southern, NH and he can’t be here year ‘round. He said there are some fantastic people in this neighborhood. He said there are people who come back here and are putting back into the community. He thinks that some of these issues are also from the people living here full time. He said the ordinance is another layer of government that we don’t need. He said he feels strongly that this shouldn’t be on the ballot. He appreciates all the time that the Board has put into this.

Karen Landry of 95 Cherry Valley Road said that she doesn’t own vacation rentals, but she has cleaned vacation rentals, and what you think can happen at them will happen. She said one of the biggest abuses is the number of people staying in a house above the number that are allowed. She would look at this ordinance as a protection for an owner of a short-term rental. She said another big issue is garbage. She suggested that a requirement be added that a house above a certain size be required to have a dumpster because these people don’t take everything back with them. She said they throw everything away and garbage cans don’t work. She thinks it is a layer of protection. She said she thinks that there is a definite problem and it’s going to get worse.

Brian Lafferty of 27 Buckboard Drive said that the Zoning Ordinance already allows this, it’s kind of interesting. He said we’ve heard from a few speakers and two that were residents and the others were investors. One speaker we heard from tonight said that he had an issue with the Town enforcing septic regulations. He said it is affecting other people and properties when a septic system is overloaded and it can impact the neighbors. He said it’s unfair to the community. He said it’s changing the fabric of our community. He said we all know that there are enough issues here in Gilford such as drinking water. He asked do we want STRs or not?

Pam Frank (no address given) thanked the people who had spoken. She said she doesn’t like to speak out, she likes to listen. She said she understands the different views of people, and the interest is to allow us to co-exist in the community. She said she understands that some have made investments in properties to use them as short-term rentals. It is their business and it works as a monetary investment. She said the Town doesn’t want to take that away from anyone but the Town is asking that people maintain their properties and rent properties in a responsible way so that the people who surround your properties are not impacted. We don’t want to put a drain on our Fire Department and Police Department. We can all agree that there is a problem and we need to work together collaboratively in the community. She said the possible expansion of Gunstock Mountain Resort will bring more people to the area as well.

T. Hall of Little Camp Island said the biggest issue he has is that he doesn’t fall under these rules. He said he agrees with everyone here and said he thinks this ordinance should be passed. He said these are all real issues and he agrees that an ordinance is needed. He said his family has owned this property for over 100 years and he’s recently started renting it out due to the high taxes. He said there is no electricity at his camp and there is nowhere to park cars. He said the ordinance does not address properties on the islands. He said he is uncertain as to where his property fits into these rules. He said he doesn’t think this should be passed as it is written.

Carol McMullen of 18 Cotton Hill Road said that she’s heard very limited animosity here. She said there was one thing that she disagreed with and wanted to clarify. She said she would still like to know where these complaints had been documented. She said there are already rules and regulations that aren’t being followed. She said she looked for documentation of these complaints and didn’t see anything, and so she said people aren’t making the calls. She said if you don’t enforce it then it won’t work out.

J. Ayer stated that the Planning Board sometimes drafts regulations reactively after a problem arises, and sometimes they draft regulations proactively in hopes of preventing problems from happening. He said in this case the Planning Board is being a little proactive. He said the Town and the Planning Board may not have gotten complaints regarding 50% or more of the short-term rentals in town, but we wouldn’t want to wait for that. He said we have gotten significant complaints from enough places that the Planning Board feels a need to take action.

Elizabeth Soukup of 101 Belknap Point Road said that she thinks that it is clear and that she agrees with T. Hall that these are complaints having to do with noise and garbage. She said the ordinance doesn’t necessarily have to be approved this way. One of her concerns is in the verbiage of this document with regard to conditional use permits and violations. She said can a formal complaint from a neighbor mean that all of a sudden you’re a short-term rental with a violation? That then puts you at risk as to your ability to pay your taxes. She said this could put them in a bad position where their short-term rentals could be put at risk.

J. Landow said that he has observed that many of the comments have been regarding an owner’s rights, but he hasn’t heard anything with regard to their responsibilities.

Ryan Folsom of Cherry Valley Road said that he and his wife own a couple of college rental houses in another town. He said if they keep a household that has trash overflowing they can be brought to court as a landlord homeowner. He said if the Town monitors those areas of concern, the Town could start going after those homeowners, then it wouldn’t have to affect all of the other homeowners.

Maureen Stetson of 115 Tate Road thanked the Board for all the work that’s been done and for allowing everyone to speak. She said she has to respectfully disagree with many speakers. She said the level of responsibility is sub-par. She said that Board members said tonight they know that this is not a perfect document and if this were to pass then you could work on it and make it better. She said many communities have short-term rentals on the books and we can strike a balance. She said that these rules are not overly burdensome for everyone to comply with. She said to make sure that you are not over taxing folks, please pass this and let us vote in March.

Myra Michail of 1039 Cherry Valley Road said owners of short-term rentals want to make sure that their properties are being operated responsibly. She said there are just some things in the ordinance that need to be addressed or changed. She said she is not anti-regulation but these should be crafted differently. The people who come here do so to enjoy the area and spend time with families. If there is no grace period and the ordinance becomes effective on July 1st, owners could be in trouble with their insurance companies. She said if there’s an opportunity to craft something that will work with what you have proposed, we should do so.

Rob Wichland of Bayside Rentals in Meredith said that they manage about 150 rental homes and he owns property on Mink Island. His thought is that this affects the majority of short-term rentals. The renters love coming here year after year. He said it’s only about a handful that they have a problem with. He said most of the homeowners they represent are second homeowners. He said they are seeing very few investors that are from out of state. R. Wichland said with regard to Vrbo and Airbnb, that’s where the problems are coming from because they don’t know how many are showing up to those rentals. He said there should be a local contact for each of these properties. It’s a very good point to address for this ordinance.

Ann Nichols of 1140 Cherry Valley Road expressed her sincere appreciation to the Planning Board. She said this is a problem all across NH and not just in Gilford. She said she agrees with Jack Landow. When your rights interfere with my rights, it’s a problem. She said she has three Airbnb’s and one of them has a pool. She’s a full time resident and said the problems are not related simply to the Acres, they are all across Gilford. The real issue may not be the homeowners and may not be the people in this room – it’s the absentee landlord. They are not invested in this community. She thinks that this ordinance should be passed.

Robert Heinrich of 127 Belknap Point Road said he’s a primary resident and that he does “prostitute” his house to help pay for the taxes. He said people don’t have to let the tax assessor into your house, but asked isn’t this a back-door way of the Town getting in to your house? J. Ayer said there is no requirement to rent one’s house. Many of the life-safety requirements already apply to anyone who rents an apartment or house, whether it’s short-term rental or long-term. This would require adherence to those requirements to maintain a conditional use permit. R. Heinrich said that if you have an occupancy permit for your house then it should be all you need and he thinks that there are too many rules.

R. Schevis said that if you are not a primary resident, you will not be allowed to vote, so most of us will not get the opportunity to vote on this.

T. Hall of Little Camp Island said the main concern is to not separate the issues. He said this will be put on the ballot and the voters might vote for it because they don’t like the noisy neighbor. He said this ordinance has some issues in it and you will have to put your heads into developing another ordinance.

J. Soukup said that this has been highly productive and he appreciates the process that this board has gone through. He said he gets the tax bills but he will not be able to vote on this. He said if it’s passed then it will be a legal issue.

T. Hall said that he agrees. He said it seems as though it’s basically regarding trash and noise. He said if you had two neighbors that were a problem and there were only two complaints against your rental you might be out of business. He said he doesn’t think that the Board understands the impact that this will have. He said if you get two complaints on Airbnb then you can’t go back. J. Landow stated that the complaints would have to be looked into and would have to be determined to be actual violations.

P. Frank said she would like to address the point that some said that they just found out about this three days ago. She said if property owners wanted to be involved they can always go on the website to see what’s happening, or be a part of what’s happening. She said they are not excluded. She said she makes it her responsibility to be involved in this community and to know what’s going on. It’s our responsibly as citizens and property owners to be aware of what is going on in our community. The Board has been posting these meetings for a year or so.

J. Ayer stated that state law requires the Town to post the public hearing notice in three places and we’ve done that.

W. Hall asked if there was anyone else who wished speak. He pointed out that it is getting late and the Board needs some time to conduct all of its business. With no further comments or questions he closed the public hearing.

W. Johnson thanked everyone for attending.

**2. Action on Above**

J. Ayer stated that we are voting to either place this on the Town Meeting Warrant or to not place it on the Town Meeting warrant. He said if the Board is going to vote to place it on the warrant, he would recommend the one change that had been discussed earlier to add a comma in Section 22.2.1 between “motel” and “bed and breakfast”.

C. Eddy said that when he read this he thought that this it was good, but now he thinks it is not good enough. He said there are some holes and unintended consequences in this proposal. He said that they have one last hearing on the noise ordinance at the next selectmen’s meeting, which will then be voted on to be placed on the ballot for town vote. He said the parking ordinance does not have to go before the town for a vote.

J. Landow said it’s a balancing act. He asked which choice will do more harm to the neighbors?

C. Eddy said that he doesn’t think that this ordinance balances. He said we’ve heard some of the folks say that some of these requirements make sense, but there are many things that we have overlooked.

J. Landow said that he’s concerned with regard to the trash issues. C. Eddy said that it could be considered a nuisance in the Zoning Ordinance and doesn’t have to be handled here in the short-term rental ordinance.

J. Ayer read Section 6.2 Nuisances for everyone. He said this is in the Zoning Ordinance and the Department of Planning and Land Use enforces it, and any amendments have to be voted on by Town Meeting. The Town Ordinances are enforced by the Police, Fire, DPW, etc., and we change those through a vote of the Selectmen. We have work to do, said C. Eddy. W. Johnson agreed and said we have a responsibility to everyone.

Discussion ensued with regard to living area and allowed numbers of people.

Regular Member Isaac Howe identified himself as being one of the listeners on GoToMeeting. He said that there were a bunch of things that have holes in them, but that’s part of the process and that’s why we continue to amend the ordinance. I. Howe also reported that he was the only one in the place where he was participating in the meeting.

C. Eddy said we’ve overlooked some things and he’s not sure about going forward with it. He said it doesn’t address the owner who has an accessory apartment and rents out the house. He said we also we need to work on the sleeping areas for homes that are not on septic.

J. Ayer said that it’s important to note you can have two people per sleeping area plus two adults. C. Eddy said but what if you have a room that is 1,000 square feet? We haven’t addressed that.

Motion

Motion made by W. Johnson, seconded by C. Eddy, to allow the meeting to extend past 10:00 p.m. Motion carried with all in favor.

Motion made by C. Eddy, seconded by W. Johnson, that we do not place Article 22. Short-Term Rentals on the Town Meeting warrant. W. Hall asked if there was any discussion on the motion. Hearing none he called for a roll call vote:

C. Eddy – yes

W. Johnson – yes

E. Drake – yes

J. Landow – no

I. Howe – no

W. Hall – no

Motion failed.

Motion made by J. Landow, seconded by I. Howe, to place Article 22. Short-Term Rentals on the Town Meeting warrant for the March 8, 2022 town meeting. A roll call vote was taken:

C. Eddy – no

W. Johnson – no

E. Drake – no

J. Landow – yes

I. Howe – yes

W. Hall – yes

Motion failed.

Discussion ensued with regard to continuing work on the draft ordinance and not affect the folks whose properties are booked for this year, which may cause both rental and insurance issues. W. Johnson said that there are enough red flags with this proposal. C. Eddy said we should leave it as it is for now, but that we do have work to do.

J. Ayer noted that as it stands the amendment will not be placed on the warrant since there is no successful motion to do so. He said he also hears all Planning Board members saying how they would like to keep working on the amendment to improve it. J. Ayer suggested that the Board consider making a last motion to (1) not place the amendment on the warrant but to (2) keep working on it so it is ready as soon as possible for next year’s Town Meeting. He said such a motion would show unity among Board members and would show a commitment to both sides – those in favor of having a short-term rental ordinance immediately, and those who would like to see it modified and put off until a future date. He said it would put everyone on notice that while the amendment may not be going forward this year, plan for it next year.

Motion made by J. Landow, seconded by C. Eddy, that the Planning Board recognizes that more work needs to be done to Article 22. Short-Term Rentals, and to not put the amendment on the Town Meeting warrant at this time but to continue to work on it.

A roll call vote was taken:

C. Eddy - yes

W. Johnson - yes

J. Landow - yes

E. Drake - yes

I. Howe - yes

W. Hall - yes

Motion carried.

**3. Discussion Items** – There were no discussion items.

**4. Minutes** – There were no minutes reviewed.

**5. Adjournment**

Motion made by W. Johnson, seconded by C. Eddy, to adjourn the meeting at 10:14 p.m. Motion carried with all in favor.

Respectfully submitted,

Sandra Hart, Technical Assistant