**MINUTES**

**GILFORD PLANNING BOARD**

**MONDAY**

**JANUARY 3, 2022**

**CONFERENCE ROOM A**

**7:00 P.M.**

The Gilford Planning Board met on Monday, January 3, 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, Regular Members Jack Landow, Isaac Howe and Emily Drake, and Alternate Members Gaye Fedorchak and Rick Notkin.

Absent were Vice-Chair Carolyn Scattergood and Regular Member William Johnson.

Also present was John Ayer, Director of Planning and Land Use, and Sandra Hart, Technical assistant. Eric Mayer, Town Attorney, was present on GoToMeeting.

R. Notkin and G. Fedorchak were asked to stand in for C. Scattergood and W. Johnson as voting members.

W. Hall asked J. Ayer to introduce the application.

**1. Public Hearings**

 **Create a Short-Term Rental (STR) Ordinance** – This is a proposal to create a new Article 22, Short-Term Rentals, to regulate the potential 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 allow for Board of Selectmen issuance of Conditional Use Permits if specifically provided for in the Zoning Ordinance.

J. Ayer read the above hearing information. He explained that this is a draft zoning ordinance amendment that the Board had discussed at the previous meeting in December. He said he worked with Attorney Maher to address the Board’s comments at that meeting and sent it out to the Fire Department, Police Department, and Town Administrator who then gave feedback on it. He said those comments were addressed and incorporated into the draft. He noted that there were concerns to have the Board of Selectmen issuing conditional use permits where that is not something they do currently and so the setup has been changed so the Planning Board will review the conditional use permits.

J. Ayer said that he reviewed everyone’s comments and did his best to update the information. He said he would read through the ordinance and the changes that were made since last time.

C. Eddy said that the noise and parking ordinance would still apply and that the selectmen are currently working on updating those as well. Also, we should differentiate between owner-occupied and non-owner occupied properties.

J. Ayer said it would be good to add hotel, motel, campground, and cottage colony to section 22.2.1 in the definition of Short-Term Rental where it says what is not a short-term rental. Regarding the definition of Sleeping Area in Section 22.2.2, J. Ayer said the minimum size of being 100 square feet was questioned. He said the minimum size of any room in the building code is 70 square feet so he proposes changing the sleeping area minimum size to 70 square feet. J. Ayer said in Section 22.2.3 it talks about occupant loads for septic systems, but he said we should have an occupant load cap for properties connected to sewer as well. Discussion ensued as to occupancy load, bedrooms, septic, sewer, and egress.

22.3.1 Conditional use permit required. It is redundant with 22.4, but the statement fits in both places.

22.3.2 Change Selectmen to Planning Board. This is a change that will be needed throughout the draft ordinance with the exception of the section regarding establishment of application fees which is the dominion of the Board of Selectmen and not the Planning Board.

22.3.3 J. Ayer asked if the number of days required for notice is a statutory requirement, because typically Planning Board notices require 10 days. E. Mayer said that it’s not like site plan or subdivision application. J. Ayer suggested that it be changed to 10 days, so that it’s the same deadline for all Planning Board applications. It would be easier for staff to keep track of as well.

22.3.4 No changes needed.

22.4 Permit application procedure.

E. Mayer referred to 22.4.1(e) and said that we should add a note tying this to NHDES requirements. He suggested 300 gallons per day plus 150 gallons per day per sleeping area. It was also suggested that applicants have to provide one type of proof or the other, not both, so add the word “either” after “include” and before “a State of New Hampshire”.

Deb Sullivan, of 109 Tate Road, on GoToMeeting, suggested changing the word “may” to “shall” on (e), second line.

22.2.1(g) Change “Certification” to “Approval” per the Deputy Fire Chief.

22.4.2 Delete this section altogether.

22.4.3 Duration of permit – E. Mayer suggested that the CUP be valid for a year and maybe renewed after the year. After the first of the year and in accordance with conditions the Department of Planning and Land Use can issue a renewal of up to 3 years.

I. Howe asked why there is a yearly renewal, why not every 5 years if you’re complying. If you have a complaint against you, then you have an investigation.

Diana Andrews, 32 Cross Lane, said if you’re thinking about going by how well people are operating currently, there is only one short term rental property in Gunstock Acres that’s paying the meals and rooms tax.

D. Sullivan asked if you allow it to go 3 or 5 years and there is a problem, what happens with enforcement during that time. What happens with regard to the complaint if one is made? J. Ayer replied that if there is a complaint filed, then an investigation will have to be done to see if there is a violation. If there is a violation, we would address it as we would any other zoning violation.

R. Notkin said that abutters could make complaints at any time.

D. Sullivan said she is still unclear as to who gets the complaint? C. Eddy said that it would depend on the complaint or the issue. If it is a noise issue, then it would be the Police Department. If it is something like overcrowding then it would be the Department of Planning and Land Use.

J. Landow said that he likes the idea of an automatic renewal if there haven’t been any issues with the property. G. Fedorchak asked how will people know if there is a property that is subject to certain conditions. They would have to call in or get a copy of the conditional use permit. Someone said that there are several properties that are owned by LLC’s. How will they get the information that they need. Discussion ensued. J. Ayer said ultimately we will have to find out these properties, get the owners’ contact information, and mail them notices.

22.4.4 Permit Renewals. Cross off the last sentence on this one. There were some other changes noted by E. Maher.

22.4.5 Inspections. We will change “Board of Selectmen” to “Planning Board” and add “or designee”. J. Ayer said we should use either the term “bedrooms” or “sleeping areas”. W. Hall said that he would leave it as it is. J. Landow asked what defines a bedroom – if it has a closet? J. Ayer said that is part of it. (Ultimately the Board determined to use the term “sleeping areas” only throughout the ordinance.)

22.4.6 Change Board of Selectmen to the Planning Board and in Section 22.4.7 and 22.5.

22.5.3 Discussion ensued as to number of bedrooms and sleeping areas. E. Mayer said that he would be inclined to remove the reference to the bedroom or the entire section. Discussion ensued as to the difference between sleeping areas and bedrooms. The Board determined to strike the section.

22.5.4 Change “bedroom” to “sleeping area”.

22.6.1 Change “bedroom” to “sleeping area”.

22.6.2(a) Change “bedroom” to “sleeping area”.

22.6.2(b) Delete the last sentence.

22.6.2(c) Make changes to say “The owner shall be responsible for the conduct of their guests.” E. Maher said that he added that violations shall be enforceable against the owner.

22.6.3 Parking. Add statement requiring “all parking regulations shall be complied with.”

22.6.4 Garbage. Change title to “Dumpsters” and require that dumpsters be fully enclosed with an opaque gated fence. J. Landow suggested adding other trash receptacles to this. J. Ayer stated that there is a different section that refers to garbage in general in Section 22.4.1(f) on page 2 which requires an approvable plan for garbage. This addresses just dumpsters specifically.

22.6.5 Noise. Add reference to Town Ordinance Chapter 17, the Noise Ordinance in subparagraph (a).

22.6.5(c) Change the word “this” to “the”.

22.6.6 In subsection (c) add “a statement” after “on the property and”.

22.6.7 No changes

22.7.2 Change “one calendar year” to “a 12 month period” (suggested later).

22.7.3 – Maureen, on GoToMeeting, asked about the renewal process. She asked if there are any safeguards or conditions. She asked if the Town allows an extension of the conditional use permit and the applicant maintains the conditions, what happens.

J. Ayer said that the ordinance does cover that.

Maureen said if they aren’t having to renew how will anyone know they are compliant and if everything is still in working order.

W. Hall said that we are renewing after one year, after that it’ll be a few years for renewal.

C. Eddy said that it could be one year at first and then after a few years after that. G. Fedorchak thought that if they are ok for a year, then they could get the 3-year renewal. Discussion ensued.

C. Eddy explained the violations section. E. Mayer said that under the law it has to be a reasonable amount of time in Section 22.7.2 during which there may be violations. I. Howe suggested changing it to a 12-month period in section 22.7.2.

J. Ayer said he will make the changes and then send it out to Board members for comments, and post it by Friday for a second public hearing on Wednesday, January 19th.

E. Mayer said if the state makes regulations prohibiting the town from regulating short term rentals, there is no grandfathering of these ordinances. The state regulations will supersede. Discussion ensued.

**2. Action on Above**

The Board took no action. J. Ayer will make revisions to the draft ordinance as discussed and renotice for a second public hearing.

**3. Discussion Items**

J. Ayer stated that a resident inquired about the need to come before the Board with a site plan amendment to add a porch onto his unit at York Village. He said that other homes there have porches. J. Ayer explained that they are all single-family structures in that area and they are looking for an addition of a 12’ x 6’ porch. Because it’s a condominium they will need to submit an as-built plan. The Board agreed that just get a building permit would suffice as long as an as-built plan is provided upon completion.

**4. Minutes**

Minutes of November 1, 2021

Motion by C. Eddy, seconded by E. Drake, to approve the minutes of November 1, 2021. Motion carried with I. Howe abstaining.

**5. Adjournment**

Motion made by C. Eddy, seconded by E. Drake, to adjourn the meeting at 9:03 p.m. Motion carried with all in favor.

Respectfully submitted,

Sandra Hart, Technical Assistant