**MINUTES**

**GILFORD PLANNING BOARD**

**MONDAY**

**OCTOBER 4, 2021**

**CONFERENCE ROOM A**

**7:00 P.M.**

The Gilford Planning Board met on Monday, October 4, 2021, 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 announced that this is a work session meeting.

Planning Board Members present in Conference Room A were Chair Wayne Hall, Vice-Chair Carolyn Scattergood, Selectmen’s Representative Chan Eddy, Regular Member Jack Landow, and Alternate Members Gaye Fedorchak and Rick Notkin.

Members absent were Regular Members William Johnson, Isaac Howe, and Emily Drake.

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

W. Hall asked J. Ayer to lead the discussion.

**1. Discussion Items**

Possible 2022 Zoning Ordinance Amendments

J. Ayer said he has a few suggested amendments including deleting or amending Section 6.22.2 and 6.22.3 regarding filling and excavating steep slopes on existing lots. He said this requirement is very limiting and doesn’t make a lot of sense as it is now written. Everyone with slopes over 25% has to seek a variance which seems unnecessary in most situations.

J. Ayer also proposed amending Article 7 in a way that would enable the Planning Board to waive a limited or small number of parking spaces under specific conditions. He proposed amending Section 7.5 regarding parking setbacks so garages under 15 feet tall could be located 10 feet from the property line. Currently the zoning ordinance allows detached accessory buildings under 15 feet high to be set back only 10 feet from the property line, but it requires a minimum parking setback of 15 feet. Amending the parking setback in the side and rear yards would eliminate this double standard for garages.

He said another amendment was to Section 11.1(b.) and Section 12.2(b.) regarding applications to the Board of Adjustment for variances and special exceptions. It would allow issuance of a Letter of Denial for a matter not requiring Planning Board approval whereas currently only a denied building permit would be allowed for such matters. Today someone needing a variance for a new house has to apply for a building permit and get it denied so they can appeal to the ZBA. He said that if someone needs only a front setback variance because he is 10 feet into the front setback and everyone knows that is all he needs, what is the reason to require him to apply for a building permit so that can be denied so they can apply for a variance. The Letter of Denial could accomplish the same thing more simply in most cases. He said a denied building permit would still be an option as there are some issues that are not found until after a thorough review of building plans.

C. Eddy said that he did read these and he didn’t see any issues with them.

C. Scattergood asked how J. Ayer came up with the parking reduction by the Board by up to 25% of the required number of parking spaces. J. Ayer said that it was somewhat randomly chosen since to waive too many really should go to the ZBA. He said the Board can allow reduction of parking spaces using the shared parking standard of up to 50% of the spaces and 25% seemed to be reasonable for an outright waiver.

C. Scattergood asked for two examples for not having enough parking with the site plan. Is there some standard or something that we can look at. She said yes we can just reduce it, but they still should have to show us why it can be reduced.

G. Fedorchak asked about the parking for Lowe’s and why so many parking spaces are there. J. Landow said that the zoning ordinance required that many. C. Scattergood said that many times the Hannaford parking lot is full and it’s very busy. J. Ayer said they use a lot for snow storage in winter. He also said the Board reduced the parking ratios since that was built, and could probably reduce the ratios again.

J. Ayer said he mostly wanted to know if the Board would be interested in having the authority to approve a reduction of parking in certain situations to lessen the need to get a variance for small reductions in parking. Currently if the parking isn’t met then an applicant is required to go before the Zoning Board of Adjustment. It’s something that technically should be looked at as a variance because the Planning Board doesn’t have the authority to reduce the parking unless it’s shared parking.

J. Landow stated that it would be something that would come to us case by case for review. J. Ayer stated that we should figure out a maximum percentage of spaces to be waived. J. Landow stated it depends on the nature of the business. W. Hall stated that it could also affect a change of business or a use. J. Ayer stated that this isn’t the most pressing issue, but it would be nice to figure out how to address the issue for future reference.

Regarding Letters of Denial, J. Ayer stated that he needs to run the idea by the Zoning Board. He said that it usually doesn’t make sense to have to apply for a building permit so you can be denied so you can apply to the ZBA. It would make sense instead, if someone knows they need a particular variance, to simply apply directly to the ZBA for the variance. This change would get us closer to that.

Short-Term Rentals

J. Ayer said that he has cut back the draft ordinance a bit further and acknowledged that it is still not perfect. He discussed the possibility of licensing versus registering. C. Eddy said that it depends on the type of short-term rental. We have to delineate between owning a home that you don’t live in but rent all the time, and owning a home that you live in and rent for short periods while you’re out of town or in Florida for a few months.

J. Ayer said that renting out just a room is different too. C. Eddy said that we can inform the state of who registers with us.

W. Hall said that if we require a permit for Airbnb and the owner doesn’t get a permit, it is likely Airbnb won’t list them. C. Eddy stated that another advantage is having a person to contact for emergencies and violations. W. Hall said a major issue is holding accountable those causing the disturbances.

C. Eddy said another restriction with an ordinance would be the number of people staying at the house. The occupancy would be limited by septic capacity and water usage could be tracked in places such as Gunstock Acres where the system is heavily burdened.

C. Scattergood wasn’t sure how it would be enforced. C. Eddy stated that it would be the Code Enforcement officer in most cases. Discussion ensued as to the noise ordinance. C. Eddy stated that the exemption for unamplified voices in the noise ordinance needs to be removed.

G. Fedorchak said the Board should address specific issues at specific locations and communicate with those owners.

J. Ayer read the motel definition for everyone. J. Landow said that it’s different from the definition in the draft zoning ordinance.

Greg Andrews, of 32 Cross Lane, said that if they have to pay the meals and rooms tax, would that make them fall under that definition of motel. J. Ayer said some would but not all. Discussion ensued.

Howard Epstein, of 231 Sagamore Road and Gunstock Acres Village Water District, said that of the 18 LLCs listed on the State tax web site, only about half of them are legal and paying the rooms and meals tax. You can go on the meals and rooms tax page. He said if the Board were to regulate how many people can sleep in a short term rental, he would not object.

C. Scattergood stated that if the state isn’t willing because they don’t have enough staff, how is the Town going to enforce these regulations if we don’t have the staff to do the dirty work? R. Notkin said he doesn’t want to come up with a regulation and then realize there is no way to enforce it.

Discussion ensued.

Shawn Malgus said that he’s in a third category. He said he has owned a house in Gilford for 5 years, and they live in Boston. He said they love the area and come up when they can. They have renters that come up when they aren’t around. He said it is unclear how to pay rooms taxes. He said they have an 8-person limit at their rental home and if renters go over that, he wants to know. He said they are strict renters. As far as he knows Airbnb pays the rooms and meals tax to the state for them. C. Eddy said that they offer it as a service, but they don’t do it automatically. So you would still have to register with the state. S. Malgus’s understanding is that they were paying that, so they will look into it. C. Eddy stated that if a property owner registers to pay meals and rooms tax then the state does share that with the town.

C. Scattergood asked if we had reached out to any other towns or cities that have enacted an ordinance and to see how well it works and if they had to hire additional staff. What have they done right or wrong, what do they recommend and how are they handling it? It would be nice to know at least from the other towns other than us surrounding the lake. We need to do work on this before we come up with an ordinance. G. Fedorchak and C. Scattergood will contact a few surrounding towns.

J. Ayer stated that there was no purpose statement on some of the ordinances he read, but there should be. He read the one he came up with it. The board liked it. J. Landow thought that the word “secondary” could be removed.

J. Ayer said we don’t want to include hotels, motels, cottage colonies, and bed & breakfasts as short-term rentals as they have distinctly different regulations that already exist and control them.

**2. Other Business**

W. Hall stated that there is a lot merger request. J. Ayer stated that when he was doing the research on that he realized that there is already a house on each lot, so they can’t merge the lots together.

**3. Adjournment**

Motion made by C. Eddy, seconded by C. Scattergood, to adjourn the meeting at 8:14 p.m. Motion carried with all in favor.

Respectfully submitted,

Sandra Hart, Technical Assistant