**MINUTES**

**GILFORD PLANNING BOARD**

**MONDAY**

**AUGUST 2, 2021**

**CONFERENCE ROOM A**

**7:00 P.M.**

The Gilford Planning Board met on Monday, August 2, 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 Members Jack Landow, William Johnson, and Emily Drake; and Alternate Member Rick Notkin. Regular Member Isaac Howe was initially present on GoToMeeting, but later joined the meeting in Conference Room A.

Member absent was Alternate Member Gaye Fedorchak.

Also present was 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 advised everyone that they had been provided with a copy of a draft zoning ordinance regulating short term rentals. He said he used the Town of Conway’s ordinance as a baseline and modified it based on discussion and comments from Board members at previous work sessions. He said he had made it through about half of the ordinance with editing and revisions which he thought would be enough to cover that night.

C. Scattergood asked if the Town has similar regulations for other rentals of short duration. C. Eddy said the Town does not. Discussion ensued. W. Johnson said there are multiple short term rentals in town and the problem has grown. Renters and owners of rental units are disassociated from the neighborhoods they are in. He said it is a cumulative problem.

C. Scattergood said this ordinance is too much for just that. The ordinance is too big for just trying to get people to pay taxes. Discussion ensued regarding enforcement issues. J. Ayer said enforcement would be to revoke a license if not complying with requirements.

Pam Fink of 24 Overlook Ridge on GoToMeeting said there are five Airbnb’s within walking distance of her and they are not owner occupied. She asked where she can go to find out who owns an Airbnb or where they are located. C. Eddy and J. Ayer suggested going to the state DRA office because they have to register with them to pay their rooms and meals tax.

C. Eddy said at 33 Mountain Drive the new owners bought that home solely to rent it as a short term rental. C. Scattergood said people have rented their homes for short periods of time in Gilford for decades. She said we ought to distinguish among the different types of short term rentals. W. Johnson said that the problem has become that there are more people who own a home just to rent it as a short term rental. C. Scattergood said what if someone wants to rent to their friends; how do we distinguish from such situations. She added that the ordinance is way too long. W. Johnson said this issue is very hard to regulate and it may need to be long to regulate it properly.

C. Scattergood said she needs to see a police report to see how much of an issue this has been for the Police Department. She asked if all of these people are in violation, why are they not cited. Discussion ensued regarding enforcement and how regulations can help to contain the uses.

W. Hall said another issue with short term rentals is that they take single family homes off the market.

C. Scattergood said if we are treating these as commercial uses, they should be required to do a site plan.

J. Landow asked if everyone could agree that short term rentals are creating a problem. Discussion ensued.

C. Scattergood asked how the Laconia ordinance has changed enforcement there. J. Ayer said he does not know. C. Eddy said we need to start somewhere and this ordinance is a good starting point. R. Notkin said this ordinance says, “If you’re the owner, you’re responsible.” C. Scattergood asked if these are considered businesses, why do they not have to have a site plan.

C. Eddy reiterated that we need to start somewhere. He said if a corporation owns the home, the owner does not live at the home. W. Johnson said if the home is rented for a shorter period of time, the renters need to be more respectful. C. Scattergood said if someone goes to a short term rental home so many times a month, we should fine them. C. Eddy said that is what this ordinance does.

J. Ayer said he appreciates C. Scattergood’s comments because a thorough critique is helpful to produce a better ordinance.

Howard Epstein of 231 Sagamore Road and Gunstock Acres Village Water District said that short term rentals have increased demand on the district’s water supply to the point that they recently had to take out a million dollar loan to improve their system. I. Howe on GoToMeeting asked how many houses have been built in the Acres in the time that the Water District’s water demand has dramatically increased. J. Ayer and H. Epstein said they do not know how many. H. Epstein said renters leave the water on all day and take longer showers because they don’t care and they are on vacation. Discussion ensued regarding well concerns at Gunstock Acres. W. Johnson asked if H. Epstein has hard numbers about how much more water is consumed. H. Epstein said he does not have hard numbers for that; he just knows a lot more water is being used.

I. Howe asked what the Gunstock Acres residents have seen happening. P. Fink said the increase in the number of short term rentals has been very obvious the past two years. I. Howe said if it has been noticeable over the last two years, it could get much worse. Discussion ensued.

C. Scattergood said looking at this from a different way, this ordinance won’t stop rentals, it will just require owners to register them. There will be the same number of police calls. She asked how will this ordinance stop or slow down how many problems there are.

H. Epstein said the average person is not going to rent a place for $2,000 a night, but they will get five families together to rent the place to reduce costs per family.

C. Scattergood asked why not just ban all of them. C. Eddy said that would be a taking if we just ban them out right. J. Ayer did not agree that it would be a taking. He said it would be making the “Short Term Rental” land use a not-permitted land use. People could continue to use their homes as single family homes.

Greg Andrews of 32 Cross Lane said there are two short term rentals across the street from his home. He said there are never less than 25 people each day or night. He said the units are located at 11 Hermit Lane and 90 Mountain Drive.

C. Eddy said with an ordinance in place we can tell owners how many people they can rent to. He added that the ordinance would not apply to long term rentals. C. Scattergood said the Police Department will be doubly busy with this ordinance.

G. Andrews said renting to eight people would be better than renting to 25 people. Diana Andrews, also of 32 Cross Lane, said she has videos of swearing guests, keg parties, and cars parked all along the road if the Board would like to see them.

I. Howe arrived at Conference Room A.

W. Johnson said he appreciates C. Scattergood’s mindset and ideally we can go along with it and still solve the problem. He said he prefers to regulate as little as possible as well.

A discussion ensued regarding those who would have to respond to problems associated with short term rentals and enforcement of these regulations. J. Ayer read the definitions of dwelling, dwelling unit, family, transient occupant, and motel. Discussion ensued regarding the term transient.

J. Ayer said he would take a closer look at the regulation to see what excess could be further cut from it and bring back a more concise and refined draft ordinance.

W. Hall asked what other zoning ordinance amendments J. Ayer had to discuss. J. Ayer said he would save those for another meeting as the discussion had already been quite lengthy and involved.

**2. Other Business**

There was no other business to discuss.

**3. Minutes**

Minutes of May 14, 2021 Site Visit

Motion by C. Eddy, seconded by E. Drake, to approve the minutes of May 14, 2021. Motion carried.

Minutes of June 21, 2021

Motion by C. Eddy, seconded by W. Johnson, to approve the minutes of June 21, 2021 with a minor correction to change the word “owned” to “rented” on page 2, paragraph 5. Motion carried.

**4. Adjournment**

Motion made by C. Eddy, seconded by I. Howe, to adjourn the meeting at 8:56 p.m. Motion carried with all in favor.

Respectfully submitted,

John B. Ayer

Director of Planning and Land Use