

**TOWN OF TUFTONBORO
PLANNING BOARD
November 7, 2019
MINUTES**

Members Present: Matt Young, Chairman, Tony Triolo, Vice-Chairman, Bill Marcussen, Selectmen's Representative, Gary Qua, Laureen Hadley, Kate Nesbit, Members.

Member Absent: John Cameron, Member.

Staff Absent: Lee Ann Hendrickson, Administrative Secretary.

Chairman Young opened the meeting at 7:00 PM at the Town Offices, 240 Middle Road.

I. Public Comment

None.

II. Consideration of Minutes

September 19, 2019

Corrections: Page 3, 6th paragraph; change "prevue" to "pervue"

It was moved by Bill Marcussen and seconded by Kate Nesbit to approve the September 19, 2019 Tuftonboro Planning Board minutes as amended. All members voted in favor. The motion passed.

October 3, 2019

Corrections: Page 3, 9th paragraph, 2nd line; change "is energized and has seen the line" to "has been energized and inspected"
Page 5, 6th paragraph, 2nd sentence; add to the end of the sentence "but, most of the time he sees room for maybe 40 more cars."
Page 7, Impact Fees; add new 5th paragraph to read as follows; "Jim Rines correctly stated that it is part of the zoning and cannot be waived."

It was moved by Tony Triolo and seconded by Gary Qua to approve the October 3, 2019 Tuftonboro Planning Board minutes as amended. All members voted in favor. The motion passed.

October 17, 2019

It was moved by Tony Triolo and seconded by Kate Nesbit to approve the October 17, 2019 Tuftonboro Planning Board minutes as submitted. All members voted in favor. The motion passed.

III. Scheduled Appointments/Public Hearings

**Meredith Pierce Trust/William Albee, Ronald Hooper 2000 Trust
Tax Map #68-2-1, 68-2-2 and 68-2-8
Boundary Line Adjustment**

Matt Young stated it is his understanding that a boundary line adjustment was done years ago and the request is to reverse such. He stated the application has been reviewed and is complete; noting the Trust paperwork and Letter of Authorization from all parties has been received.

It was moved by Bill Marcussen and seconded by Laureen Hadley to accept jurisdiction of the application. All members voted in favor. The motion passed.

Chip Albee stated in 2009 a boundary line adjustment occurred to maximize the usage of the 125 acres to accommodate for the road design of a proposed subdivision. He stated at that time, he and Mr. Hooper agreed to move the boundary line. He stated currently, there is a Purchase and Sales Agreement on his property with the Lakes Region Conservation Trust. He stated the development is not going to occur and he wants to give Mr. Hooper back his land. He submitted a Certificate of Monumentation and noted a deed description will be drafted following the Board's decision.

Matt Young asked if there are any easements that pass over the property.

Chip Albee replied no. He stated a separate five-acre parcel is also included in the Purchase and Sales Agreement. He stated he has a description of the original boundary line adjustment.

Chairman Young opened the public hearing.

There being no questions or comments, Matt Young requested a motion to close the public hearing.

It was moved by Tony Triolo and seconded by Kate Nesbit to close the public hearing. All members voted in favor. The motion passed.

Matt Young reviewed the following conditions of approval;

1. Submittal of a Mylar plan for recording at the Carroll County Registry of Deeds.

It was moved by Tony Triolo and seconded by Gary Qua to approve the Meredith Pierce Trust/William Albee, Ronald Hooper 2000 Trust, Meredith Pierce Trust and Willard Pierce Trust Boundary Line Adjustment application, Tax Map #68-2-1, 68-2-2 and 68-2-8, subject to the recommended condition of approval. All members voted in favor. The motion passed.

IV. Action Item

N/A

V. Discussion Items

Zoning Amendment; Section 3.6.F.13

Matt Young stated Jack Parsons has requested an amendment to the Zoning Ordinance, Section 13.6.F.13. He stated Mr. Parsons has asked that such include storage and/or storage buildings. He stated the existing language of the Ordinance permits storage buildings in the MDR, LDR, NHB, LKR & OSF Districts by Special Exception and is prohibited in the ISC and WTC Districts.

Gary Qua asked if such would include storage of cars and boats.

Matt Young replied yes, and/or materials.

Gary Qua asked if there a requirement to the number of boats or cars that can be stored on a property currently.

Matt Young replied no, not for private residential use in which the property owner owns such. He stated if the property owner is charging for storage then it is prohibited. He stated Mr. Parson's request is to permit such however, a Special Exception would be required and the applicant would have to go before the ZBA.

The Board agreed that it would be helpful to understand the background that precipitated the zoning amendment request. The Board tabled further discussion until receipt of an explanation of the request.

It was moved by Tony Triolo and seconded by Laureen Hadley to table discussion of a proposed zoning amendment to Section 3.6.F.13 of the Zoning Ordinance. All members voted in favor. The motion passed.

Short Term Rentals

Bill Marcussen stated he has been by a couple of people whether the Board should include language in its regulations that address such. He stated there has been some instances in Town where there have been Airbnb's that have been disruptive. He stated there are other towns that are looking at the issue; Laconia, Conway and Wolfeboro.

Tony Triolo confirmed that as it stands now no one has to come before the Codes Officer or do anything to have an Airbnb.

Bill Marcussen stated it is his understanding that an Airbnb is dealt with in the same way as any rental. He stated the question that comes to his mind is because it is becoming a commercial establishment and questioned life safety codes. He noted he hasn't spoken with Jack Parsons or Adam Thompson regarding such.

Matt Young stated there isn't anything wrong with renting a home in the way it has traditionally been done and noted that in this area there has been a long tradition of cottage rentals. He questioned the difference between such and a hotel/commercial short-term rental. He questioned a line between an accessory use of the property and supplemental income. He stated a customer of his has brought it to his attention.

Laureen Hadley stated if there is a homeowners association then they can ensure that such activity doesn't occur however, questioned restricting a residential property owner.

George Maidhof questioned the definition of short-term rental.

Tony Triolo stated he works with short-term rentals and it is his responsibility to ensure that codes are being met. He stated that as a Planning Board member he would like to see a rule governing short-term rentals.

Gary Qua stated the Zoning Ordinance includes Bed & Breakfast Inns, Lodging Houses and Tourist Homes not exceeding eight guest rooms; noting the Town has a definition under temporary residential uses. He stated such is permitted in the NHB, MDR and LDR Districts and permitted by Special Exception in the LKR District and is not permitted in the OSF or ISC Districts. He stated such should be reviewed.

Matt Young stated it appears that a person could have a short-term rental in a permitted zone for a Site Plan Review or a Special Exception in the LKR District. He stated the Town currently has zoning relative to the issue.

Laureen Hadley stated she owns a property in Newport, RI and rents the property. She stated she is required to apply for a permit to the Town, pay a fee for such and the property is inspected by a Town Official. She stated she is also required to post at the house who is renting the property and when they are renting the property. She noted the permit is for a rental of thirty days or more; noting thirty days is the shortest rental allowed. She stated a permit should be required.

The Board discussed the permit process to allow for a level of accountability.

Laureen Hadley stated the Newport goes onto Airbnb to review the rentals and if there is a rental that is not permitted the property owner is fined.

Matt Young stated a fine could be associated with the permit.

Gary Qua stated from things he has heard there have been a lot of Airbnb's that bring in nightly, 2-day or weekly rentals; noting those renters don't have sensitivity to the neighbors.

Bill Marcussen stated that Airbnb is addressing the "party house" issue.

Laureen Hadley stated there is a need for short-term rentals.

Bill Marcussen stated that the Board isn't looking to eliminate short-term rentals. He stated Airbnb has changed the dynamic of short-term rentals; noting a difference in connectedness from the people and the process.

Tony Triolo questioned how such would be controlled due to the number of weekly rentals in the Town.

Laureen Hadley stated there would be an additional burden for the Codes Officer.

Kate Nesbit agreed with instituting a fine.

Bill Marcussen asked if short-term rentals were discussed at the OEP conference last month; noting either OEP or the local planning commission develops sample ordinances or discussion that can be used to develop regulations.

George Maidhof asked if having a permit would infer a commercial use.

Matt Young replied no.

George Maidhof asked if the Board would view the enterprise of an Airbnb and short-term rental as commercial versus residential.

Laureen Hadley stated the property owner has to report to the IRS the number of days they have stayed at the residence.

Tony Triolo stated that if a person rents for less than two weeks then they do not have to pay rooms and meals tax. He stated that anything longer than two weeks requires an application to the State for a rooms and meals tax number (required by the State of NH). He stated that if the Town is going to begin issuing permits then the properties have to be up to code.

Kate Nesbit questioned whether short-term rentals are considered a business for the property owner.

Tony Triolo stated it is supplemental income for the property owner.

Kate Nesbit stated she doesn't see how it can't be classified as a business when a property owner uses Airbnb to rent the property.

Matt Young stated the way it is written in the Town's Zoning Ordinance, the use is commercial and requires a Site Plan Review and a Special Exception if the rental is located in the LKR District.

Gary Qua noted the zoning doesn't specify the number of people; noting 12 people on a three bedroom septic is a problem.

Matt Young stated the Ordinance differentiates between hotels and motels.

Laureen Hadley noted the existing ordinance hasn't been enforced.

Gary Qua stated DTC may have guidelines regarding such.

Matt Young stated the Board is allowed one free workshop per year and recommended short-term rentals be the topic for such.

Bill Marcussen recommended reaching out to the municipal association.

Planning Board Membership

George Maidhof stated he retired in 2013 from the Long Island Railroad and relocated to Tuftonboro. She stated his wife Barbara is a member of the Capital Improvements Committee. He stated he is interested in becoming a member.

Matt Young stated Gary Qua has an orientation package and asked that Mr. Maidhof meet with Gary Qua to review the material.

Carol Bush stated she works with Tony Triolo at Maxfield Real Estate and has worked there for 26 years. She stated she doesn't know if it would be a problem if both she and Tony Triolo had to recuse themselves. She stated she is a Cemetery Trustee. She stated as a real estate agent she has reviewed a lot of deeds and plans.

The Board discussed member recusal.

Bill Marcussen stated new members would be alternates.

Gary Qua stated he would provide the packets to both George Maidhof and Carol Bush.

Other Business

Tony Triolo stated Pier 19 is under agreement and the buyers intend to keep it as a store. He stated ZBA approval is required.

Matt Young informed the Board that Melvin Village Marina purchased the property next to their property that the showroom is located. He stated use of the property is being changed from residential to retail sales therefore, a Site Plan Review is required; noting he would recuse himself.

VI. Informational Items

N/A

VII. Other Business

N/A

VIII. Public Comment

None.

It was moved by Tony Triolo and seconded by Kate Nesbit to adjourn the November 7, 2019 Tuftonboro Planning Board meeting. All members voted in favor. The motion passed.

There being no further business before the Board, the meeting adjourned at 8:06 PM.

Respectfully Submitted,

Lee Ann Hendrickson

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