

CONWAY PLANNING BOARD

MINUTES

OCTOBER 8, 2020

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CONWAY PLANNING BOARD

MINUTES

OCTOBER 8, 2020

A meeting of the Conway Planning Board was held on Thursday, October 8, 2020 beginning at 7:00 pm at the Conway Village Fire Station, 97 Main Street, Conway, NH. Those present were: Chair, Steven Hartmann; Selectmen's Representative, Steven Porter; Vice Chair, Benjamin Colbath; Secretary, Sarah Frechette; Bill Barbin; Ailie Byers; Earl Sires; Planning Director, Thomas Irving; and Planning Assistant, Holly Meserve.

REVIEW AND ACCEPTANCE OF MINUTES

Mr. Porter made a motion, seconded by Mr. Colbath, to approve the Minutes of September 10, 2020 as written. Motion carried unanimously.

WILLIAM J. HOUNSELL (PID 219-251) – UNIT SUBDIVISION REVIEW (FILE #S20-14)

Seth Burnell of HEB Engineers appeared before the Board. William Hounsell was in attendance. This is an application to create two residential units. **Mr. Porter made a motion, seconded by Ms. Byers, to accept the application of William J. Hounsell for a unit subdivision review as complete. Motion carried unanimously.**

Mr. Burnell reviewed the plans with the Board. Mr. Hartmann asked for Board comment; there was none. Mr. Hartmann asked for public comment; there was none.

Mr. Colbath made a motion, seconded by Ms. Byers, to conditionally approve the unit subdivision for William J. Hounsell conditionally upon North Conway Fire Chief approval; submitting a Mylar for recording; when the conditions have been met, the plans can be signed out-of-session; and this conditional approval will expire on January 28, 2021. Motion carried unanimously.

MICHAEL AND KRISTEN LEONARD/MICHAEL AND KERI DILEO (PID 214-87.3) – UNIT SUBDIVISION REVIEW (FILE #S20-15)

Seth Burnell of HEB Engineers appeared before the Board. Michael Leonard was in attendance. This is an application to create four residential units.

Mr. Burnell reviewed the plans. Mr. Burnell stated this property is just upstream from the FEMA 100-year flood study; they have designed plans that specify the finished floor elevation to be at least a foot and half higher than the study. **Mr. Colbath made a motion, seconded by Ms. Byers, to accept the application of Michal and Kristen Leonard/Michael and Keri DiLeo for a unit subdivision review as complete. Motion carried unanimously.**

Mr. Irving stated staff was concerned with flooding, but it seems they addressed it.

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Mr. Hartmann asked for Board comment; Mr. Colbath asked if the trail on the property would remain accessible. Mr. Irving stated it is not part of any municipal trail system, it is private.

Mr. Hartmann asked for public comment; Steve Durkit of 94 Whitaker Lane asked if the trees on the south side would remain. Mr. Burnell stated they are required to keep a certain number of trees along the street per town regulations; there is definitely a buffer between the trees that need to be taken down and the street.

Mr. Porter asked the purpose of the units; will they be sold, use for long-term rentals. Mr. Leonard stated their plan is to stay there as their children are a part of the CMR ski program.

Mr. Barbin made a motion, seconded by Mr. Colbath, to conditionally approve the unit subdivision for Michael and Kristen Leonard and Michael and Keri DiLeo conditionally upon North Conway Fire Chief approval; submitting a Mylar for recording; when the conditions have been met, the plans can be signed out-of-session; and this conditional approval will expire on January 28, 2021. Motion carried unanimously.

OTHER BUSINESS

Short-Term Rental Committee Recommendation: Steve Solomon, Chief, Conway Village Fire Department, appeared before the Board. Mr. Solomon stated in 2019 the Board of Selectmen put together a committee to determine if short-term rentals were permissible or not and should the Town be doing anything to regulate them. Mr. Solomon stated it was determined that short term-rentals are not currently permitted under our existing zoning.

Mr. Solomon stated another committee was formed to determine what to do with them. Mr. Solomon stated this committee consists of a short-term rental owner, a realtor and two abutters to short-term rentals. Mr. Solomon stated they are working through the process of trying to create a set of regulations in order to regulate them and not eliminate them.

Mr. Solomon stated the committee has drafted three recommendations. Mr. Solomon reviewed the attached letter with the Board.

Mr. Hartmann asked for Board comment; Mr. Sires asked how the Committee came up with the definition, and why they believe it is necessary. Mr. Solomon stated there is currently no definition, and the closest is a tourist home, but that needs to be an owner-occupied structure. Mr. Solomon stated to regulate through zoning there needs to be a definition. Mr. Solomon stated they are looking for people who are using the property purely as investment properties; it is in the best interest of the Town to say it is a non-residential use.

Mr. Sires asked if item #2 passes would they only be permitted with a permit. Mr. Solomon answered in the affirmative. Mr. Solomon stated noise and parking are the biggest complaints. Mr. Solomon stated life safety is also an issue, and inspections would be triggered by several different things.

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Mr. Sires asked if they would be provided with a checklist, and would the checklist be required to be submitted with application. Mr. Solomon answered in the affirmative, and stated there would be a packet. Mr. Sires asked if there would be a fee. Mr. Solomon stated that has yet to be determined, but if there was it would be designed to cover any expenses by the Town and not generate extra money.

Mr. Solomon stated they are looking at hiring an outside manager; they would inventory for us, and have offered assistance with the licensing. Mr. Sires asked if a new license would be required for a new owner of an existing short-term rental. Mr. Solomon answered in the affirmative, and stated they do not want to grandfather the use. Mr. Sires asked if there is a plan to revoke a license if there is a continued pattern of problems. Mr. Solomon answered in the affirmative, and stated that portion has not been completed.

Mr. Sires asked under #3 if the Committee looked at a site plan exemption for 2- to 4-bedroom range, but apply site plan review to the 5 plus bedroom range. Mr. Solomon stated the Committee didn't want to over complicate it and this was the agreed upon approach. Mr. Sires stated the definition makes sense, but he could not vote on items #2 and #3 before seeing the license.

Ms. Frechette stated there should be a proposed cap with zoning; and they should go through the site plan review process. Ms. Frechette stated she likes the idea of two groups. Mr. Porter stated he is on the Committee as a Planning Board representative and not a Board of Selectmen representative. Mr. Porter stated for the most part he agrees with the recommendations, except for section #2; allowing this to be a permitted use goes against our zoning ordinance. Mr. Porter stated he does not think this industry is going to benefit our valley.

Mr. Colbath stated a huge part of our community has short-term rentals; it is a business now and they are competing with the Inns which have to pay rooms and meals tax.

Ms. Byers asked is there a time-frame that a non-compliant site would need to be shut-down until compliant. Mr. Solomon stated if it was due to a life-safety issue that cannot be rectified instantly the Fire Chief can vacate the premises.

Mr. Solomon stated he is not looking for the Board to vote on this tonight, he wanted to bring the Board up to speed on their progress. Mr. Solomon stated item #2 does have to be supported by the voters. The Board agreed to put this on their next agenda. Mr. Hartmann left at this time. Mr. Colbath became Chair.

River Run Company (PID 215-9 & 11) – Conceptual Consultation: Burr Phillips of Civil Solutions and Joe Berry and Alec Tarberry of River Run Company appeared before the Board. Mr. Berry reviewed a proposed project with 56 units; 13 buildings with four units in each building plus the former Nereledge Inn having two units.

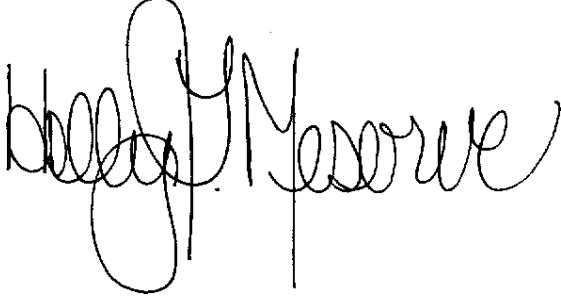
Wakeby Development, Inc. (PID 262-64.104 & 64.105) – Lot Merger: Mr. Barbin made a motion, seconded by Ms. Byers, to grant the lot merger for Wakeby Development, Inc. Motion carried unanimously.

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2021 Planning Board Dates and Submittal Deadlines: Ms. Frechette made a motion, seconded by Mr. Sires, to accept the 2021 Planning Board Dates and Submittal Deadlines. Motion carried unanimously.

Meeting adjourned at 8:24 pm.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Holly L. Meserve". The signature is written in a cursive style with a large, looped initial "H".

Holly L. Meserve
Planning Assistant

September 2, 2020

Town of Conway
Planning Board
1634 East Main St
Center Conway, NH 03813

RECEIVED

SEP 08 2020

TOWN OF CONWAY

Planning Board Members,

In 2019, the Board of Selectmen, through work of a committee, research, and legal consultation, determined that the use of dwellings as short term rentals is not a permitted use under our existing zoning regulations. They chose to defer enforcement for a year with the intent of allowing them but regulating them. A new short term rental committee was formed.

That committee has been meeting regularly and continues to work on a set of recommendations to the Board of Selectmen to license short term rentals under RSA 41:11-C.

Allowing short term rentals at all requires the intervention of the planning board and ultimately a vote of the legislative body. To that end we have developed several recommendations for the planning board to consider.

1. We recommend that you add the following definition to chapter 190-31 of the Town codes:

Short Term Rental: The rental of a dwelling unit for periods of less than thirty (30) days, rented or offered for rent for 15 or more days in a calendar year. This is a non-residential use.

2. We recommend that you add short term rentals licensed by the Board of Selectmen as a permitted use anywhere single family homes are permitted.
3. We recommend that you add short term rentals licensed by the Board of Selectmen to section 110-4 A, "non-applicable" for site plan review.

It is our belief that these actions by the Planning Board, coupled with regulation by the Board of Selectmen under RSA 41:11-C will allow the short term rental industry to continue while creating a mechanism to manage them and address the problems and complaints being generated by their presence in the community.

I am happy to attend a Planning Board meeting and or provide you any other information at my disposal regarding short term rentals.

Respectfully,



Stephen Solomon, Chairman
Town of Conway
Short Term Rental Committee