

MINUTES OF THE MEETING  
OF THE  
CANTERBURY PLANNING BOARD

APRIL 9, 2019

BOARD MEMBERS PRESENT: Jim Snyder, Chairman, Joshua Gordon, Vice-Chairman, Art Rose, Hillary Nelson, Tyson Miller, Kent Ruesswick, Lucy Nichols, Alternate, Scott Doherty, Alternate

OTHERS PRESENT: Ken Folsom, Town Administrator

**Review of March 12, 2019 Minutes:** Joshua Gordon moved the Minutes, seconded by Hillary Nelson. Discussion: None. Vote to approve Minutes: Unanimous - 3/12/19 Minutes approved.

**Board Discussion - Short term rentals:** Ken Folsom, Town Administrator was in attendance for this discussion. Jim Snyder explained that we've talked about short term rentals in the past but have not taken any action on the topic yet.

Ken discussed the fact that there was a recent vote at the State House that passed a bill to allow municipalities to apply a hotel occupancy fee of \$2.00 per day, per room, that is now going to the Senate. It would allow us to "tax" any short term rentals, hotels, motels, Air BNBs, or Bed and Breakfasts in town after going through Town Meeting.

Ken also reported that the building inspector received a complaint from a resident about a short term rental and whether it met the zoning requirements. The building inspector reached out to Ken to find out where we stand on this issue and Ken would like feedback from this Board.

Ken said we really don't have a way of knowing who is running an Air BNB in town. He talked to the fire chief and building inspector. They're looking at it from a life safety standpoint and would like to be able to do a site visit to be sure that people renting spaces have certain things in place. Ken and the Selectmen are wondering if we need to develop some kind of zoning for this. He spoke with some other small towns that seemed to be up in the air about it. Cities are looking at it from an enforcement and taxation standpoint.

Art Rose wondered if, aside from revenue standpoint, if the Town could be liable in any way? The Board discussed liability and regulation. Art said if the possibility exists for the Town to be liable, we should develop an ordinance that prohibits short term rentals.

Tyson Miller has been reading about the statistics on aging in NH. 60% of the elderly are expecting to live on Social Security alone. There will be a lot of low income people

46 in this town and they're going to need to rent rooms, whether it be short term or long  
47 term. We're going to have to be aware of that and should be careful in limiting rentals.

48  
49 Rooms and meals tax was discussed as well as what length of time a rental would be in  
50 place to be considered short term. Joshua Gordon believes it's 30 days. Lucy Nichols  
51 said the DRA lists short term rentals at 185 days. Joshua stated that there are 3  
52 statutes: hotel, rooming house, and landlord, and the language is very ambiguous.

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54 Lucy spoke about towns ability to license and regulate if they chose to. Hillary Nelson's  
55 focus is on safety in our Town.

56  
57 Ken said the fire chief and building inspector asked what our moral obligation is to short  
58 term rental issues. The Board was split in opinion as to whether we get involved in or  
59 not. Jim thinks this issue is really about enforcement which is the Selectmen's job. He  
60 sees nothing stopping them from monitoring the sites to see who has short term rentals  
61 and giving them a call to come in, describe what they're doing, and get a fire inspection.  
62 Joshua said if they do that, it will limit the industry in this town. Not all members agreed.

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64 There was discussion about short term rentals wherein the owners don't live on  
65 premises. Ken wondered why a short term rental with no owner living on the premises  
66 wouldn't be treated as a commercial business. He talked about ADU's needing a  
67 special exception. If we're regulating ADU's, we should be regulating short term rentals.

68  
69 Jim said another approach is for the fire chief to simply call and say I see you're  
70 advertising this and I'd be happy to come by and take a look around. Ken said this  
71 should be a topic of discussion. He's not a huge fan of all sorts of zoning and  
72 ordinances, but we should look at this.

73  
74 Ken will contact Bart for more information on what our abilities are.

75  
76 Lucy gave a copy of her notes to Ken for his review and reference.

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78 **Board discussion: establish schedule for additional Zoning Ordinance review:**

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80 The Board agreed there has been a lot of work put into the Zoning Ordinance and Table  
81 of Uses and would like to continue that work. The plan is to have further meetings with  
82 other Boards in Town and to work on commercial uses. Art felt we have a responsibility  
83 to broaden our commercial tax base.

84  
85 There was discussion about how to approach informing residents of any proposed  
86 changes, to include a presentation at the first session of Town Meeting detailing the  
87 problems and how the proposed revisions would help the problems.

**Other Business:**

- Voting for officers: Tyson nominated Jim as Chairman, the Board unanimously seconded. Jim reminded the Board that if he was making a decision tonight, he would not be running for reelection at the end of this season and feels someone else should step up. He added that he's happy to serve the rest of this year however. In light of that Kent nominated Joshua. Joshua declined. Hearing no other nominations, there was no need for a paper ballot. Vote: Unanimous. Jim will remain Chairman.

Vice-chairman: Hillary nominated Tyson, second by Kent. Vote: Unanimous. Tyson is Vice-Chairman.

Hillary moved to adjourn. Second by Kent. Vote: Unanimous. Meeting adjourned.

Submitted by Lori Gabriella, Secretary  
Canterbury Planning Board