

MINUTES OF THE MEETING
OF THE
CANTERBURY PLANNING BOARD

September 24, 2019

BOARD MEMBERS PRESENT: Jim Snyder (Chairman), Tyson Miller, (Vice-Chairman), Joshua Gordon, Kent Ruesswick, Hillary Nelson, Lucy Nichols, (Alternate) Scott Doherty (Alternate), Brendan O'Donnell (Alternate), Cheryl Gordon (BOS Representative)

ABSENT: Art Rose

Review of 9/10/19 Minutes: Kent Ruesswick moved the Minutes, second by Joshua Gordon. Discussion: None. Vote to approve Minutes: Unanimous – 9/10/19 Minutes approved.

Board Discussion: Short-term rentals: Jim Snyder is concerned that the advice we got from town counsel was, at best, incomplete and possibly short sighted. The notion that anything not called out as an allowed use requires a variance seems wrong. We now have several town residents at various stages of trying to decide where to go with a variance or court action to keep their short-term rentals active. The Zoning Ordinance is silent on the matter.

Cheryl Gordon circulated a copy of proposed short-term rental language that the City of Laconia is working on for the Board's review. Jim had researched Zoning Ordinance amendment procedures and reported to the Board.

Joshua felt the Laconia version is good and we should look closely at it. Cheryl stated her major concern is that the rental owners be required to register with the Town so we can look at fire/safety issues. Joshua was concerned how residents would view that idea since the State may ask for the list. The Board generally agreed that registering is a good idea. Co-insurance and commercial insurance issues were discussed to include the fact that Air BNB provides insurance as well, which is a secondary insurance for the homeowner. Various Board members want to see a legal memo stating whether the town is liable or not liable before requiring people to have commercial insurance.

Jim referred to Laconia's draft language and was curious about the function of the Planning Board in approving an administrative decision by the Selectmen. He liked the idea of their language, but the procedure is more for a city, not a town. Hillary Nelson thinks applicants should be going to ZBA for special exception. Brendan O'Donnell suggested saying these are an allowed use with the requirement of an annual safety review. The Board discussed the possibility of having these with a threshold requirement. Lucy Nichols discussed Cordell Johnston's (counsel for Municipal Association) threshold proposal ideas, all having to do with the owners being present.

The Board is worried about protecting the Town from someone buying a big house and making all the rooms short-term rentals. The Board discussed boarding houses and transient rentals vs short term definitions.

Lucy felt Canterbury has a legitimate policy interest in tightly regulating the no host present idea. Joshua likes the campground regulation that you can have one site on your grounds, and if you have two or more, it's regulated. and believes we could do the same with short-term rentals.

Hillary has been working on the obnoxious use ordinance language and feels that could be used to address any possible problems visitors may cause at these rentals. Her language uses the reasonable person standard. Joshua pointed out that the proposed Laconia language says you get your approval every year, which could be revoked for failure to comply with their guidelines. Lucy also asked about water testing. Cheryl Gordon gave examples of water issues the Selectmen recently become aware of in regular rentals, they can imagine it happens in the short term rentals as well. Cheryl mentioned an article she read in the Ellsworth American paper about Air BNB's being a big problem in Bar Harbor.

Hillary said it sounds like they should be allowed as long as the owner is in residence and they have a safety inspection every one or two years. If the owner is not in residence it's considered a commercial use and would require a special exception and site plan. The Board was in basic agreement.

Jim asked Cheryl about procedure for putting their language on for Town Meeting and whether the Selectmen were going to run with this. Cheryl said that's the plan. They're drafting language and will bring it to this Board for public hearing.

Tyson and Scott discussed a registration fee and what the safety inspection would entail. Scott felt yearly inspections are reasonable. Joshua said the Supreme Court requires you have a methodology to the any figure you propose as a fee and we should discuss that.

Update to Board on Table of Use project: Hillary gave the update stating she is going to make some initial revisions to the draft and will give it to Lori to create a document using the current Table with references to the revisions in the new Table. Joshua is going to help with definitions once the Table is ready.

Other:

- There was a Class VI document in the Board's mailbox. Cheryl reviewed the packet and advised that this was the Class VI policy that was updated. After a brief discussion, the Board requested this issue be put on an agenda to discuss whether houses should be built on Class VI roads, the waivers, possible annual inspections of the roads to ensure proper maintenance, and the emergency lane statute.

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94 - Jim had a call from a Loudon resident asking about a prior road waiver on Flagg
95 Road that was signed by the Selectmen. Cheryl did not recall it. There was brief
96 discussion about Flagg Road.

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98 Motion to adjourn by Kent., second by Hillary. Vote: Unanimous.

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100 Submitted by Lori Gabriella, Secretary

101 Canterbury Planning Board