

Chairman Scott Burns called the meeting to order at 6:33 PM.

Members Present: Scott Burns – Chairman, John Tholl Jr. – Selectmen’s Rep., Alan Theodhor, Tim O’Neil and Joyce McGee – Secretary.

Members Absent: Frank Lombardi and Steve LaRoza – Alternate.

Minutes: A motion was made by John Tholl Jr. to approve the November 2, 2021 meeting minutes as written, seconded by Alan Theodhor. All in favor, motion carries. APPROVED

Consultation: DPW – Robert Larson: No Show

Other Business:

Development Permit(s): Owner-Stiles, Robert Applicant-Hagen, Jonathan – 8 Jefferson Road, Tax Map 103 Lot 005: To build a 96 sq. ft. greenhouse (8’x12’), not more than 12’ in height. No bedrooms, bathrooms, no sewage, plumbing or electric. No digging. Chairman Burns wondered about a Shoreland Permit, after looking at NHDES on What activities DO NOT require a shoreland permit the following was found: Construction of a single accessory structure, such as a shed, greater than 50 feet from the reference line and is less than 150 sq. ft. in size. No excavation or filling using mechanized equipment will occur in conjunction with the construction or placement of the structure. The Board agreed no permit is necessary. A motion was made by Tim O’Neil to approve the Development Application as submitted with a condition that no digging shall occur per NHDES Shoreland, seconded by Alan Theodhor. All in favor, motion carries. APPROVED

Dupont, Jeffrey & Brenda – 38 Pierce Road, Tax Map 230 Lot 018: To remove existing deck that is 10’x22’ and replace with a 12’x30’ cement slab with a metal roof and supported by beams. Removing some existing vinyl siding and replacing it with shiplap. Setbacks are met. A motion was made by Alan Theodhor to approve the Development Application as submitted, seconded by John Tholl Jr, no further discussion. All in favor, motion carries. APPROVED

Correspondence:

-2022 Calendar: The Board reviewed the 2022 Calendar a meeting schedule will be created any change of dates will be posted.

-Burns Lake: Concerns were brought back up to the Board regarding a bright light reflecting on Burns Lake. Contact was made with the property owner and the Board was notified that the light intensity is the same intensity as moon light at the water’s edge. No further discussion.

-2022 Development Code proposed changes: Other items the Board agreed on that should be looked at is Open Space, they then looked at a Short-Term Rentals proposal that Conway, NH had online. The Board liked the Sleeping Area, Occupant Load, Noise and Posting. These items will be given to Town Attorney to look at.

A motion was made by John Tholl Jr. to adjourn the meeting at 7:19 PM, seconded by Alan Theodhor. All in favor, meeting adjourned.

Respectfully submitted by:
Joyce A. McGee – Secretary

Scott C. Burns - Chairman
Scott Burns

WHITEFIELD PLANNING BOARD

WORK STUDY AND MEETING SCHEDULE –2022

January

Tuesday, January 4, 2022 – Work Study 6:30 p.m.

Tuesday, January 11, 2022 – Meeting 6:30 p.m.

February

Tuesday, February 1, 2022- Work Study 6:30 p.m.

Tuesday, February 8, 2022 – Meeting 6:30 p.m.

March

Tuesday, March 1, 2022 – Work Study 6:30 p.m.

Tuesday, March 15, 2022 – Meeting 6:30 p.m.

April

Tuesday, April 5, 2022- Work Study 6:30 p.m.

Tuesday, April 12, 2022- Meeting 6:30 p.m.

May

Tuesday, May 3, 2022- Work Study 6:30 p.m.

Tuesday, May 10, 2022- Meeting 6:30 p.m.

June

Tuesday, June 7, 2022- Work Study 6:30 p.m.

Tuesday, June 14, 2022- Meeting 6:30 p.m.

July

Tuesday, July 5, 2022- Work Study 6:30 p.m.

Tuesday, July 12, 2022- Meeting 6:30 p.m.

August

Tuesday, August 2, 2022- Work Study 6:30 p.m.

Tuesday, August 9, 2022- Meeting 6:30 p.m.

September

Tuesday, September 6, 2022- Work Study 6:30 p.m.

Tuesday, September 13, 2022- Meeting 6:30 p.m.

October

Tuesday, October 4, 2022- Work Study 6:30 p.m.

Tuesday, October 11, 2022- Meeting 6:30 p.m.

November

Tuesday, November 1, 2022- Work Study 6:30 p.m.

Tuesday, November 8, 2022- Meeting 6:30 p.m.

December

Tuesday, December 6, 2022- Work Study 6:30 p.m.

Tuesday, December 13, 2022- Meeting 6:30 p.m.

****All meetings to be held in the Town Office. Any change of dates will be posted.**

Regulations of Short-Term Rentals Proposed by the Committee

and

Accepted by the Board of Selectmen

I. Definitions

- A. **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 and where the dwelling unit is not associated with commercial activities such as a hotel, motel or bed-and-breakfast. This is a non-residential use. A qualified Short-Term Rental must have a Business License in good standing from the Board of Selectmen.
- B. **Short Term Rental License:** Shall mean a business license issued under RSA 41:11c by the Town of Conway to an owner permitting use of a dwelling unit as a short-term rental.
- C. **Application:** Shall mean the application for a short-term rental license which shall be a form approved by the Conway Board of Selectmen
- D. **Complete Application:** Shall mean an application that has satisfied all the submittal requirements set forth herein and otherwise complies with the criteria required for issuance of a short-term rental license.
- E. **Floor Plan:** Shall mean a level-by-level plan of the rental property with labeling of all enclosed spaces within the structure(s) and dimensions, including without limitation all sleeping areas.
- F. **Owner:** Shall mean the recorded titled owner of the residence for which a short-term rental license is sought or has been issued. The owner may be a person or any form of business entity recognized by the State of New Hampshire. If the owner is a business entity, said entity must maintain current registration with the NH Secretary of State's Office.
- G. **Parking Space:** Shall mean an area with a width of not less than nine feet and a length of not less than 18 feet located either within designated garage, or on impermeable surfaces such as asphalt, concrete, or gravel.
- H. **Owner's Agent:** Shall mean a person, or business designated by the owner to manage the property. An owner's agent shall be designated by the owner as a person who can be contacted by the Town, by Emergency Services, and can receive legal notices on the owner's behalf.
- I. **Sleeping Area:** To be a valid sleeping area, there must be a primary means of egress, a secondary means of escape, and a working smoke detector as per chapter 24 of NFPA 101, *The Life Safety Code*. The number of sleeping areas in a short-term rental shall not be more than the number of bedrooms listed on the Tax Card.
- J. **Town:** Shall mean The Town of Conway, NH.
- K. **Valid Objection:** Shall mean an objection based on:
 - 1. The owner's failure to file a complete application
 - 2. The owner's failure to meet any of the required criteria for issuance of a short-term rental license.

- II. Short Term Rental License Required:
- A. To operate a short-term rental, the owner, or the owner's agent shall file an application with the Town for a short-term rental license.
 - B. No dwelling unit may be rented or offered for rent as a short-term rental without a short-term rental license.
 - C. Operating a short-term rental without a license may be charged as a criminal offense under RSA 41:11-C and/or be subject to civil penalty of \$275.00 for the first day and \$550.00 each subsequent day the dwelling unit is being rented or offered to rent as a short-term rental without a license. An owner who believes he/she has been fined in error may appeal as per section VII E.
- III. Requirements for Application: The following information and documentation shall accompany the application and be provided to the Town.
- A. Completed application
 - B. Proof of ownership
 - C. Sketch, to scale, of property showing structures, parking spaces, and outside amenities.
 - D. Floor plan
 - E. Letter signed by owner designating owner's agent if any.
 - F. The Name, address, and 24-hour contact phone number for the owner or owner's agent who can be contacted in case of emergency. This person or business must be able and available to be on site within 30 minutes if requested by the Town or emergency services.
 - G. A form certifying compliance with safety standards set forth in section **V I**.
 - H. A signed acknowledgement on the application that the owner, and owner's agent, if any, have read all of the Town's regulations pertaining to the operation of short-term rentals.
 - I. The owner and the owner's agent, if any, shall sign the application certifying the accuracy of the information submitted and agreeing to comply with all regulations.
 - J. Septic Systems. Short Term Rentals on Septic Systems must show that their occupant load does not exceed the capacity of their septic system. This can be done by showing a State of New Hampshire ISDS Permit showing approval for the proposed occupant load or, where there is no permit on file, a letter from a New Hampshire Licensed Septic Inspector stating the Septic System is appropriately sized for the proposed occupant load within 12 months.
 - K. Garbage. Short term rentals shall demonstrate an approvable plan for trash storage and removal.
 - L. Fire Pits. If the short-term rental has a fire pit, the owner must submit with their application and subsequent renewals, permission for the guests to obtain a fire permit. Fire pits must meet the requirements of NH RSA 227: L-17
 - M. Should an owner believe that their property possesses more sleeping areas than the tax card shows, they may request the Town review that. The Town and Fire

Department will inspect the property and if the room in question meets the requirements of a sleeping area, it may be added to the floor plan and license as such.

IV. License

A. The license shall be issued by the Town provided that:

1. The application is complete
2. Any valid objections have been corrected to the satisfaction of the Town.
3. The fee has been paid.

B. The license shall be valid for one year from date of issue.

C. Annual renewal must be completed prior to expiration. Renewals will expire on the same date year to year as the original license.

D. Failing to renew the license prior to expiration shall be treated the same as operating a short-term rental without a license and will be subject to the penalties set forth in section II C.

E. License Fee. The License Fee shall be established annually by the Board of Selectmen as per NH RSA 41:9-a.

V. Regulations

A. Sleeping Areas. Only the rooms designated as sleeping areas in the application, shown on the floor plan, and approved by The Town, shall be used for sleeping. Lofts accessed by ladders are not suitable for sleeping areas.

B. Occupant Load:

1. The maximum number of overnight guests permitted in a short-term rental is, not more than 2 persons per bedroom, plus 2 additional guests. Children under 3 years old sleeping in their parent's bedroom shall not count toward the occupant load.
2. The maximum number of people allowed on the property after midnight shall not exceed the approved occupant load.

C. Parking: A maximum of 1 vehicle per bedroom is permitted. All overnight guests' vehicles must be parked on the property. All vehicles must be parked in a designated parking space.

D. Garbage

1. Dumpsters shall be placed in observance of setbacks and shall be enclosed.

E. Noise

1. Short Term Rentals shall not interfere with the neighbor's peaceful enjoyment of their property.
2. Noise complaints, when reported to the Town, may constitute a violation of this ordinance when the reporting party is willing to make a written complaint or provide evidence of excessive noise.

F. Posting: Each Short-Term Rental shall have a clearly posted and legible notice, on or adjacent to the front door, containing the following information.

1. The name of the owner or owner's agent with their 24-hour phone number.
 2. The maximum number of occupants permitted by license
 3. The maximum number of vehicles permitted on the property and that all vehicles must be parked on the property.
 4. If there is a Fire Pit, the requirement to get a permit before use and to burn only camp fire wood.
 5. If Pets are permitted, the requirement to keep pets under control and off other people's property.
 6. Name and phone number of Fire Department that covers that STR
- G. Fire Pits: Fire Pits must be installed and used in compliance with NH RSA 227: L-17.
1. Permits must be obtained by the guest before using the fire pit.
 2. Only campfire wood may be burned in the fire pit.
 3. A guests' violation of State Law and Rules regarding outdoor burning or burning other than campfire wood will be addressed with the guest by the Fire Department. It shall also be a violation of these rules and subject to the penalties set forth in section VII.
- H. Fire Alarm Systems
1. Short Term Rentals that have fire alarm systems are required to maintain their systems in compliance with NFPA 72, *The National Fire Alarm Code*.
 2. Fire Alarms shall be installed and maintained such as to minimize nuisance activations from things such as cooking appliances, wood stoves, and fireplaces.
 3. The third and each subsequent time the Fire Department responds to a nuisance fire alarm in a calendar year shall constitute a violation of these rules and subject to the penalties set forth in section VII.
- I. Safety Standards
1. Short Term Rentals shall meet the requirements of Chapter 24 of NFPA 101, *The Life Safety Code*, as adopted by the State of New Hampshire including but not limited to:
 - a. Not less than one Means of Egress for each occupiable room.
 - b. Not less than one Means of Escape for each occupiable room.
 - c. Smoke Alarms in each sleeping area, outside each sleeping area and on each level.
 - d. Carbon monoxide alarms.
 2. Heating appliances shall be maintained not less than annually.
 3. Chimneys, Fireplaces, Woodstoves, and Pellet Stoves shall be installed and maintained in accordance with NFPA 211, *Standard for Chimneys, Vents, Fireplaces, and Solid Fuel Burning Appliances*.
 4. Building electrical system installed and maintained in accordance the NFPA 70, *The National Electric Code*.

VI. Inspections

- A. Short Term Rental Licenses are issued with self-certification of compliance with life safety and other rules.
- B. Inspection by the Town and/ or Fire Department is initiated in one of the following ways.
 - 1. Owner's request
 - 2. Violation of these rules
 - 3. Observation of perceived Life Safety violation by the Town or Fire Department while there on other business, such as an emergency response.
- C. Town and Fire Department officials conducting inspections will do their best to accommodate the owners or owner's agent needs and minimize disruption to guests whenever possible.
- D. Discovery of Imminent Threat to Health, Life, or Safety. Pursuant to NH RSA 147:4, 147:11, or 154:21-a, should an imminent threat to life or safety be discovered, the short-term rental shall be vacated and their license suspended until such time that the problem is corrected.

VII. Violations and Penalties

- A. Violations of These Rules shall be addressed as follows
 - 1. First Violation. A written warning shall be issued to the owner or owner's agent containing the nature of the problem and required corrective action.
 - 2. Second Violation within one year of the first violation. A fine of \$275.00 shall be levied on the owner.
 - 3. Third Violation within one year of the first violation. A fine of \$550.00 shall be levied on the owner.
 - 4. Fourth Violation within one year of the first violation. Revocation of the Short-Term Rental License.
- B. One year from the date of the first violation, that violation shall be removed and the second violation, if there is one, shall become the first violation for subsequent violations. If there is a third violation on file, it becomes the second.
- C. Owners with continued or egregious violations of these rules may be prosecuted under NH RSA 616:17
- D. Any owner who has had his/her short-term rental license revoked, may not apply for a short-term rental license for that property for one year from the date of revocation.
 - 1. This has no effect on other licensed short-term rentals that owner owns.
 - 2. Should an owner have his/her licensed for a particular short term rental property revoked a second time, that owner may no longer obtain a short-term rental license for that property.
- E. Right of Appeal. An owner who feels he has been issued a violation in error, may appeal to the Board of Selectmen.
 - 1. Any fines levied shall be stayed pending the appeal.
 - 2. Should the violation being appealed cause a revocation of the license, that short term rental shall not be rented during the appeal process.

3. If an owner has been charged criminally, he/she must seek redress through the court system.