

Planning Board Meeting Minutes

December 7, 2021

6:30 PM

Page 1 of 4

Chairman Scott Burns called the meeting to order at 6:30 PM.

Members Present: Scott Burns – Chairman, Alan Theodhor, Tim O’Neil, Frank Lombardi, Steve LaRoza – Alternate and Joyce McGee – Secretary.

Members Absent: John Tholl Jr. – Selectmen’s Rep.

Public Present: Tia Roy, Roland & Rhonda Caron and Robert Danielewicz.

Minutes: A motion was made by Alan Theodhor to approve the November 9, 2021 minutes as written, seconded by Steve LaRoza. All in favor, motion carries. **APPROVED**

Alan Theodhor recused himself from the Public Hearing as he is an abutter.

Chairman Burns appointed alternate Steve LaRoza as a voting member.

Chairman Burns read the following Public Hearing notice:

Public Hearing(s):

Change of Use/Site Plan Review:

#643 – Owner/Applicant(s): Danielewicz, Robert – 14 Myrtle Street, Tax Map 104 Lot 052: who is/are requesting a Change of Use/Site Plan Review to convert a Single Family Home into a Short-term Rental. Said Short-term Rental will be for no more than 8 nights/month; 3 bedrooms for rental; parking in driveway only; and a limit of 6 guests.

Mr. Danielewicz was present, he’s from a small town in NY where you know who your neighbors are. He has been trying to get to know his neighbors here, he is not full time but wants to be. The Airbnb is new to him, he is realizing that spending the effort to pre-screen people is the best way to know who is renting. Wants people to treat it as a home and not a party house. There are house rules on listing and a set on the kitchen table. Noted are to respect neighbors, quiet time and enjoy the area (copy of the House Rules were handed out to the members). Financially it’s tight having two places until the bridge to be remotely is done. Abutters Roland & Rhonda Caron, Tia Roy and Alan Theodhor were present. Mr. Theodhor stated that when there is 24 people with kids trespassing on my property it’s a problem. The number of people staying is a problem, it might be 6 people but then 6 carloads of people come. The Caron’s agreed more people than probably Mr. Danielewicz knows about. They come and don’t know where they are going pulling into driveways. Once someone built a fire in the driveway! Mr. Danielewicz stated that would get them band. He did have a group that will not be allowed back.

Planning Board Meeting Minutes

December 7, 2021

6:30 PM

Page 2 of 4

Tim O'Neil suggested posting the # of people allowed and secondly if there is a problem who locally can they contact. If someone local they could deal with the problem right away, besides calling the police. Mr. Danielewicz does provide his number, Tim O'Neil it's hard if you are in another state that's why a local person would be good to oversee it. The Caron's agreed, it would be no different than an apartment building.

The Caron's wondered if the guidelines for Short-term rentals are uniformly across the board. Chairman Burns advised that the Board can't back date as grandfathered in, moving forward the new rules apply. Tim O'Neil we are trying to copy other towns, Chairman Burns and to be reasonable. The Caron's asked why the new rules don't comply with everyone. Frank Lombardi stated under current laws if already in place the use is grandfathered, if not grandfathered then a Change of Use/Site Plan Review is required. The Caron's also stated that since purchased the property has been immaculate. Mr. Danielewicz is proud that it's clean and neat, financially he needs this extra income to keep the property. He didn't realize it was a thing that you need to come before the Planning Board.

The Absolute Criteria and Commercial Criteria was filled out. Conflicts: House Rules will be established which were handed out, screening guest, local contact person needed, limit of 6 people and need 911 address sign so renters can find location. Parking: Driveway only not on street.

A motion was made by Frank Lombardi to approve the Change of Use/Site Plan Application as complete, seconded by Tim O'Neil. All in favor, motion carries. APPROVED

Chairman Burns asked if anyone had other concerns, none came forth.

Mr. Danielewicz stated he will talk with Tia Roy and Alan Theodhor on people trespassing, a fence was suggested.

A motion was made by Frank Lombardi to approve the Change of Use from a single family to a short-term rental with the conditions that a 911 sign is displayed as to find the location and no parking on the street. Fire Chief Ross notified the owner that he is all set with the change. Seconded by Steve LaRoza. All in favor, motion carries. APPROVED

Other Business:

Septic Design(s): Frost, Ryan – 49 Franklin Lane, Tax Map 208 Lot 005.4: Septic Design is for a 3-bedroom house, 1250 gallon septic tank. No concerns. **A motion was made by Frank Lombardi to approve the Septic Design as presented, seconded by Alan Theodhor. All in favor, motion carries. APPROVED**

Baublitz, Roberta – 381 Old East Road, Tax Map 207 Lot 003: Septic Design is for a 3-bedroom house, 1250 gallon septic tank. No concerns. **A motion was made by Frank Lombardi to approve the Septic Design as presented, seconded by Alan Theodhor. All in favor, motion carries. APPROVED**

Planning Board Meeting Minutes

December 7, 2021

6:30 PM

Page 3 of 4

S&S Property LLC – 69 Hidden Acres Drive, Tax Map 230 Lot 044: Amended Septic Design was received to substitute equivalent size poly tank for the concrete one. **An Administrative Approval was given on 11/30/21.**

Development Permit(s): Robert Stiles Enterprises – Freds Way, Tax Map 101 Lot 017: To construct a metal garage 42'x60', with toilet and mop sink. Secretary McGee advised that the building will be used by Michels while they do work for Eversource. The Board wondered about the Water/Sewer for the building. **A motion was made by Alan Theodhor to table the Development Application until the Water/Sewer issue is resolved and information is provided on the location, seconded by Frank Lombardi. All in favor, motion carries. TABLED**

Sminkey, Marcus – 162 Lancaster Road, Tax Map 219 Lot 056: To install a bathroom and 2-bedrooms. Secretary McGee advised that the property file has no information on the septic, the owner provided a note stating the septic tank size is for a 1000 gallons installed by Wendall Rexford & Sons 11/76. Pumped every 4 years by White's Septic, last pumped 8/10/2004. Since 2-bedrooms were going to be added the Board wanted more information on the septic, a new design might need to be filed with NHDES in case of failure since increase of bedrooms. **A motion was made by Alan Theodhor to table the Development Application until more information is received on the current septic system, seconded by Tim O'Neil. All in favor, motion carries. TABLED**

Jefferson, Caitlyn & John – 565 Kimball Hill Road, Tax Map 250 Lot 016: To construct a 7.12 kW DC Ground mounted solar array consisting of 16 REC 445w solar modules and 16 Enphae IQ7+micros. No concerns. **A motion was made by Tim O'Neil to approve the Development Application for the solar array as submitted, seconded by Alan Theodhor. All in favor, motion carries. APPROVED**

Correspondence:

Terms to Expire in March: Frank Lombardi and Scott Burns.

When is a Change of Use required for a non-conforming use which has lapsed for a period of time:

Article XII – Non Conforming Uses “Grandfathering” Section 5.8: Discontinuance – Any nonconforming use which is discontinued or abandoned for a period of twelve (12) months, regardless of any intent to resume operation of use, shall not be resumed thereafter, and any future use of the site or structures thereon shall conform to the provisions of this Code.

Violation Letter: Mook, Stephen & Heather (cc: Whitefield Lakeside Condo Assn.) – 237 Lancaster Road, Tax Map 219 Lot 035.1: Failure to meet the conditions of the Development Permit issued 1/15/19. An extension to come into compliance was issued until 12/20/21.

Short-term rental: Chairman Burns shared an article in the Union Leader re: Town of Conway - Judge wants state policy on short-term rentals. (see attached)

Planning Board Meeting Minutes

December 7, 2021

6:30 PM

Page 4 of 4

2022 Proposed Development Code Changes: (see attached) **Short-term rental:** adjustments were made and agreed upon by the Board see the items in red and cross-outs; **Open Space/Open Space Development:** Board decided to remove this whole section; **Definitions:** adjustments were made to definitions of Portable Storage Containers and Structure.

A motion was made by Tim O'Neil to adjourn the meeting at 8:24 PM, seconded by Alan Theodhor. All in favor, meeting adjourned.

Respectfully submitted by:



Joyce A. McGee – Secretary



Scott C. Burns - Chairman