

FINAL



WEARE BOARD OF SELECTMEN
MEETING MINUTES
June 23, 2022

PRESENT: FREDERICK W. HIPPLER, CHAIRMANH; JONATHAN H. OSBORNE, VICE CHAIRMAN; SHERRY M. BURDICK, SELECTMAN; JOHN VAN LOENDERSLOOT, SELECTMAN; KEVIN J. CAHILL, SELECTMAN.

TOWN ADMINISTRATOR: Naomi L. Bolton

GUESTS: Donna Osborne; Pastor Bill Stockhaus; Michael Jutras; John Nikias; Nick Fox; Toni Parker; Kyle Parker; Bill Wilusz; Tammy O'Brien; Dave & Jackie Pratte; Carry Constant; Robert Proulx; Peggy Bailey; Peter Bailey; Pucha Davis; Warren Davis; Bruce Fillmore; Tom Flaherty; Dani-Jean Stuart; Thomas Clow; Craig Francisco; Neal Kurk; Paul Gannon; Heleen Kurk; Gregg Thompson; Kelly Springer.

CALL TO ORDER: Chairman Hippler called the meeting to order at 7:03 PM at the Weare Middle School Cafetorium. Chairman Hippler welcomed everyone to the public hearing for public comment and testimony on the proposed draft rental housing ordinance. He explained that this is the first of two public hearings that the Board plans to hold on this. This will be comment only, from you the public to the Board. There won't be debate back and forth. The Board works for the public, so we want to hear what people have to say on this. There will be a second meeting held with Town Counsel present. Unfortunately Town Counsel or anyone from the office make it tonight. Chairman Hippler stated that when you get to the podium you will be asked to state your name and address for the record. With that being said the public hearing will begin.

PUBLIC HEARING:

Neal Kurk, Mt. Dearborn Road stated that his comments are in two parts, first technical issues and second polity issues. Mr. Kurk provided the Board with a handout and outlined these concerns as follows:

A. Technical Considerations

1. Authority and Applicability: "It shall apply to all residential rental properties...." Creates a **loophole**
 - a. This allows an unregulated Airbnb if the owner uses one of the bedrooms and rents out the other – or the barn.
 - b. Same if owner is "away" and doesn't occupy his/her bedroom?
 - c. "Family member" is undefined. "Extended" family Cult family? "Weekend family"?
 - d. No exemption for "occasional" renter (e.g., a senior renting out his or her house while spending the winter in Florida).
 - e. No exemption for sublets.
2. Power of Enforcing Authority is an unwarranted **invasion of privacy**.
 - a. "A" allows fire chief to enter any property he thinks is a rental with an administrative warrant based on probable cause which is defined in RSA 595-B:3
"II. Probable cause, as required by paragraph I, shall be deemed to exist if either legislative or administrative standards for conducting a routine or area inspection, testing or sampling are

satisfied with respect to the particular place, dwelling, structure, premises, vehicles or records, or there is probable cause to believe that a condition of nonconformity exists with respect to the particular place, dwelling, structure, premises, vehicle or records.” He may be accompanied by law enforcement officers, including the county sheriff. B: 5 If you refused entrance, you’re guilty of a misdemeanor. B.8.

- b. “E” allows for fines, but violations can go on, fines accumulate, and irate neighbors increasingly frustrated.

Should there be authority to shut down the operation in addition to fines?

Should there be a requirement that the police enforce the shut down?

- 3. Minimum Standards: B. Limiting occupancy to two occupants per legal bedroom is a key provision of the ordinance. However, limiting occupancy lacks specific enforcement provisions, such as the right of the fire chief to enter the premises of a residential rental property at any time without a warrant to determine if the occupancy rules are being violated. (But then, how would he know it was a residential rental property since no registration is required?)
- 4. Inspection: This is a rather odd section in that it requires the owner of residential rental property to request an inspection, but it does not require the owner to register the property as a residential rental property.
 - a. This makes enforcement even more difficult. I would expect the “bad guys” not to request an inspection, their neighbors to complain to the fire chief, and the fire chief to investigate and, perhaps, to get an administrative warrant to enter the premises and, if he or she finds a rental housing arrangement, to impose the \$1,000 fine. Collecting it is another matter. Perhaps it could be added to the property tax bill.
 - b. E – presents a myriad of problems. It allows the town to prosecute any violations the fire chief may discover in his or her inspections. That may be appropriate but, combined with neighbor complaints (in C), it is likely to be misused and exacerbate existing disputes between neighbors.
- 5. Enforcement Process
 - a. A allows 10 residents to petition the fire chief if they believe a dwelling is “unfit for human habitation.” A definition is needed of course. But it’s strange that none of the provisions of this ordinance deal with a dwelling unfit for human habitation, yet a petition charging the same is allowed. Even stranger: while the fire chief can enforce violations of this ordinance, the ordinance’s provisions do not ban dwellings unfit for human habitation.

B. Policy Considerations

- 1. The ordinance basically addresses a problem that doesn’t exist: that is, it focuses on health and safety of rented dwelling units. But that’s not what concerns townspeople. What concerns townspeople are the noise and parking associated with inconsiderate behavior of short-term rental tenants. So, this proposed ordinance is like a solution in search of a problem.
- 2. The real issue here in Weare is the failure of local officials to enforce existing requirements. Specifically, the police are apparently not enforcing the ordinance that bans on-street parking, or at least they’re not responding to residents’ requests for enforcement.
- 3. Instead of a complex ordinance, how about one that limits the number of tenants to the size of the septic system with enforcement by the code enforcement officer? (And pay for the additional hours with the additional money that the fire chief would have to be paid for all of his or her additional work required under the proposed ordinance.)
- 4. Instead of a complex ordinance, the BOS should require police to enforce “no parking on streets” when complaints are made?
- 5. If the problem is on-street parking, noise and polluting Lake Horace, the ordinance should deal with those instead of its broad scope that will upset many towns’ people and, likely, be the subject of a repeal warrant article at the next town meeting

Mr. Kurk ended by stated that in essence this is big government for a small town and we don’t need it.

Warren Davis, 13 East Road stated his few thoughts. He doesn't believe this ordinance is necessary. It is going to create greater costs for the tenants as well as the real estate owners. There were a number of issues pointed out by the last speaker. He agreed with a number of those, including the broad interpretation by the fire chief to be able to enforce this ordinance. He believes that the enforcement or passing of this is unnecessary and it's going to make Weare a less desirable place for rental investors and rental owners and ultimately less affordable for renters as these costs will be passed along to the tenants. He urged the Board not to pass this ordinance.

Tom Flaherty, Sunrise Lane pointed out a couple of observations. He would like to echo some of the comments that were made previously. This is allowed by RSA 48A which delegates authority to set ordinances down to the town level. RSA 48A was instituted in 1959 and was last amended in 2017. He's curious as to why all of a sudden we are passing an ordinance for this. It wasn't caused by some trigger of an RSA change last year or the year before. There is a five year gap between the last change and now. His questions are: What need is causing this ordinance to be created? He understands that there are some complaints about short-term rentals like somebody, but this seems like overkill for something like that and not related to what he understands the needs are but maybe the Selectmen have more information they can share about the genesis of this. His third observation and he is not that familiar with the RSA's but to Mr. Flaherty, there seems like there's some redundancy with some RSA's that already exist with the protecting of tenants, from a safety and structural and capacity standpoint. He's not sure if a lot of this isn't already covered by state RSA's. He is curious of what the inspection fee would be or what the thought the fee would be as it is not stated.

Peter Bailey, 39 Maplewold Road stated that he is a little disappointed when he sees an ordinance start out with the words "collect fees and impose fines". He doesn't think that's what the Town of Weare is all about. Mr. Bailey stated that this has bureaucrats written all over it and this whole ordinance is basically the fire chief looks like he needs more work. Eventually the taxpayers are going to ask where this money is going for the fire department. He doesn't think he needs another job. The other issue Mr. Bailey stated was that if the goal is really life safety, why not inspect everybody's home and see how that goes over. He didn't think it would go over too big. If this is truly for life safety it should be changed around and make everybody's house inspected. He thinks the goal here is aimed at a really small group which are the people that rent for short-term rentals and Airbnb. As Mr. Kurk pointed out if you look at what the problems are that the Board is having or someone is having, he feels that it might already be under some type of ordinance. The police should be able to go up there and tell them to knock it off. He feels that we don't need to create any more issues here than what's already covered. In looking at this further the fire department can charge fees which will mean he will need secretary to help with all the stuff and then another person, another bureaucrat working so he doesn't think this is really what the town's all about.

Heleen Kurk, Mt. Dearborn Road, stated that she sympathizes with people who are having some problems at the lake. She thinks that there must be another way to help resolve those issues. She is opposed to this ordinance. She provided a scenario that could possibly come up. Let's say that she's a single woman, her husband died some time ago, and she decides that she needs some help in paying her taxes so she puts an ad in the paper and someone responds. Now she's renting to that person. Does that mean the Town comes in and checks? She lives in an old house and now the chief comes in and says there are things needing fixing which could cost me tens of thousands of dollars to do whatever I have to, is that the intent? Mrs. Kurk feels that this stretches to this kind of scenario. She agrees with the other speakers. She thinks there needs to be a different way to solve the Lake Horace issue.

Craig Francisco, Abijah Bridge Road, Chairman of the Planning Board stated that the Board seems to be taking all the heat so he's going to try to help out a little bit. People have come to the planning board over the past 3-4 years complaining about rentals. Last year the planning board they would try to get a zoning ordinance to cover this situation to help everyone out. Bruce Fillmore and Mr. Francisco came up with a couple of ideas and met with Town Counsel. The planning board suggests articles for changes to the zoning

ordinance at town meeting, but if they were going to go that route everyone would be grandfathered, which would be a mess to figure out who is grandfathered and who is not. It would be a very ineffective way of doing anything. So after the meeting with Town Counsel she thought it would be better to go through the Board of Selectmen versus a zoning amendment, which is why we are here.

Jackie Pratt, Winter Road stated that she doesn't know about all the ordinances, but she knows that they are having a problem with the short-term rentals. It's not just Weare it is all over the place. Actually vrbo and Airbnb got together last year because it is so out of hand with all the rentals; having big parties; hosting big parties; renting for one day and it's just getting so out of hand that they got together and they decided that you can't have any more than 16 people. They also decided to get a 24/7 hotline going but in the hotline they call the local law enforcement, which would be the Weare Police Department. At one point or another the town is going to get involved whether they want to or not with short-term rentals. They are starting to buckle down on all the rental websites because it is so out of hand. Also, for the people that are doing the short-term rentals for the sole purpose of having the parties or packing the houses the noise becomes a problem as well. You are going to get the same calls and the Weare Police Department's going to have to get involved in that. Airbnb and vrbo are looking into something for noise which is actually an app on your phone that they install into their rental and it dings on their phone if the noise volume hits a certain level. So it's becoming a problem and the other rental sites are addressing it. She is concerned with the people that don't use vrbo or Airbnb and it falls on the town. She doesn't see why Weare can't do the same thing with short-term rentals that vrbo and Airbnb are already doing. Vrbo and Airbnb will shut them down. They are very pro people who have the complaints because it's just that out of hand. Also, the biggest problem is again Lake Horace and people parking and having no room for parking, but most of the roads are private roads and when you call the Weare Police because someone's blocking your driveway or you can't get down street. They always tell you that they can't come out because it's a private road and they can't do anything about it. She has heard the Police Chief on many of the Board of Selectmen's meetings where he says that's not true, that they do go out and address that but they don't. Mrs. Pratt has had them address it before and they don't come out for that. They tell you that is a private issue and that you need to deal with that on your own. She feels that at one point it is going to have to be addressed because if you have parking for 2 spots and the rest park on the street. If you have five rental places that are doing that on Airbnb or vrbo and they are not communicating with each other, now you've got six houses that are offering first come, first serve on the street. What would happen if a fire truck can't get down the street because all of these houses have offered off street parking on their rentals? She does see that something needs to be addressed and it's becoming a problem, same with the septic and packing the houses because at some point someone's septic is going to let on Lake Horace and that affects everybody. Nobody would be able to use the lake even the whole entire town and the public beach. If the lake is polluted they shut it down. Short-term rentals are becoming a bigger problem in all the adjoining towns and she wanted the Board to know that the sites are starting to address this as well.

John Nikias, East Shore Drive, in August it will be 40 years since he moved in as a full-time resident. He has come to the town before and nothing seems to happen. He physically brought information, it's easy to get, about a septic that is designed for two bedrooms, four people. He hand delivered it to the town and they are advertising for 10 people, more than double what the septic will handle. He agrees with Mrs. Kurk, it should be changed over to go short-term rental and not all rentals in town. It should be short-term rentals. They are out of hand. As far as the police department, he calls the police department for a noise violation. The dispatcher couldn't even hear him over the phone. The officers said they drove by and didn't hear anything, so the third or fourth time he called they actually stopped. He has tried to get a hold of the Chief Police but Mr. Nikias indicated that would have a better chance talking to the police commissioner in Boston then the police in Weare. He doesn't know what is going on and it is getting totally out of hand, nobody cares. Now the town is starting to recognize it, so what if a septic fails is the town liable now because the town is not doing anything. What if somebody in a rental, in a bedroom that doesn't have a window to escape. This is all been brought up to the town and the town has got it in paper, is the Board liable for that because nothing is being done. He believes short-term rentals are a business,

Businesses shouldn't be conducted in a residential area. This is good, this is a step but he feels that they should be shut down 100%. They are for profit now. We don't want to pick on the people that go to Florida and rent if for six months. We're picking on the people who specifically buy property to rent it out and no matter which way you look at it, it is a business. There are people saying that they are a resident when they are not. Apparently somebody in the town needs to put out something that deems what is a resident. He has been at several planning board members identifying themselves as a resident when they are not, they are just doing it to get an applause from the audience. Mr. Nikias stated that the short-term rentals should be shut down 100%, they are a business and as far as getting a hold of the Police Chief, good luck.

Peter Bailey, 39 Maplewold Road stated that he wanted to address a couple things. He can hear what they are saying about the short-term rentals at Lake Horace, as he used to own property at Lake Horace. They were there for 50 years before they sold. His point being is that there is no reason that the police department can't respond up there it is not a private road. It is not gated so absolutely there they have every right to go up there and enforce the law. If someone is parking or blocking the road, that's up to the police. Mr. Bailey felt that the Board should be talking to the police department and explaining to what they got to do, take care of the problem. There appears to be a little minority problem and the town is trying to create a whole ordinance to change the whole outlook of the town. He feels the Board is barking up the wrong tree.

Bruce Fillmore, 181 Gould Road also the vice chairman of the planning board and he is the source of this ordinance. Weare's zoning is what's known as permissive zoning. The zoning states within each zone what is allowed, so if it's not stated as allowed then it's not allowed. RSA 48A has a definition for vacation rental or short-term rental. The Weare Zoning Ordinance has no such definition. The case can be made that short-term rentals or vacation rentals are not allowed anywhere in Weare, because it is not a permitted use in any zone in Weare. Weare essentially turned a blind eye to it. He doesn't think that Weare wants to be in a position that we want to define for the whole state of New Hampshire whether it's a permitted use and dwellings where residential uses are allowed because that is going to be an expensive case and Mr. Fillmore feels that we're not the ones that ought to bring it anywhere other than within our town. The reason why we cannot single out short-term rentals or vacation rentals is in RSA 48-A, section 8, which is current law not something that's proposed, we cannot impose restrictions and target short-term rentals or vacation rentals specifically. We cannot put any greater restriction on those uses than what's allowed anywhere else in town. That is why, unfortunately, we have to target a lot of larger segment of uses which is residential uses, which is residential rentals, which these clearly are. As one of the speakers pointed out, they thought safety and health were covered in residential law already they are not. Residential law already only covers renters for 185 days or longer. The period of 1 day to 184 days they're out of luck. There is nothing that covers the habitability safety or health of those properties. No one's going to enforce anything because it's not enforceable because it's not spelled out anywhere. Mr. Fillmore continued, how this came about was they are only trying to cover the basic things, sanitation and health and life safety, which is covered by state laws but don't feel we want to apply it town wide. We don't want to go into someone's house with a 2 bedroom septic and five people living there, that's their own private residence we are not looking to touch that. What people do in their own house is their own business but the minute people start collecting money for renting it out that's a business and that is a different story. That's basically overusing their houses at the expense of their neighbors. It's at the expense of their neighbors and all the townspeople when the lake gets shut down when somebody has raw sewerage running across their lawn from the neighboring house. Some unsuspecting renter dies in a fire thinking the property has been inspected by somebody and it hasn't. This is the lightest hand way to address it without affecting any more people. All this is doing is asking the fire department to determine how many people a house can support, bedroom wise and septic system wise. The health officer will also be able to get involved as she is the one to say the septic system is adequate to handle that use. It is going to go by, if the septic system was built in 1950, as long as it's not flooding the ground now and a house is listed as a 3-bedroom house then they can use it as a 3-bedroom house. But if the septic system was built in 1950 and it's already percolating out of the ground then they will have to do something with the septic. There has been a couple of court cases that people are going to argue about; one in Portsmouth who was successful and one in North Conway which

is being appealed. There was a group of people that got together, Mt. Washington Valley Association of Vacation Rentals. They have a frequently asked question document on their website. They even recommend what we in Weare are trying to do here. For someone to stand up here and say they are opposed to this, leads Mr. Fillmore to believe that they're not going to do the right thing on their own. Mr. Kurk is correct the ordinance is void of a registration process which is an oversight, because that's the whole intention is that these properties would register, the fire chief would inspect them for life safety and once the status of the septic system and the capacity is determined, he would issue a certificate of occupancy for however many people the property can handle. That certificate you will see in hotel rooms all over the place, even time share rentals in the White Mountains. Mr. Fillmore has talked with some planners around the state about this approach. They thought it was a great approach. We're the first town in New Hampshire that has taken this approach as opposed to try to zone it somewhere. He feels that it is a step that needs to be taken. How the board wants to do it is up to them. It wasn't done lightly. There was a lot of thought put into it. It's not intended to be anything more than what it is. It's not intended to be any kind of invasion of privacy issues. These properties that it's happening at is not occupied by the owner, so to say there is some invasion of privacy by some fire chief coming into your house is an inappropriate statement because the owner doesn't live there typically when they're doing this.

Heleen Kurk, Mt. Dearborn Road stated that perhaps the intent is one thing but she thinks the reality might be different, at least the way she reads it. Mrs. Kurk stated with all due respect to Mr. Fillmore that a homeowners association is a closed community. People buy into that and they have their own regulatory board. She didn't think that was a good comparison to a town, certainly not to our town. She hears what was said but she thinks that the way this is written it does affect anybody else as the scenario that she spoke before. Mrs. Kurk stated that she still disapproves this ordinance as written.

Peter Bailey, 39 Maplewold Road stated that he is a little disappointed of the discussion that he's heard just the last couple things. Lake Horace seems to be the issue and what he doesn't understand about the issue is. There is a landowners association there, why aren't they taking care of their own problem. There's no reason that the association up there can't put pressure on the ones that are affecting this. So there's a couple two or three that's having a problem. You are trying to create an ordinance that's going to affect everybody in town. He doesn't think that is fair. It's just a few problems, have the association take care of it. If they can't take care of their own problems, than at that point maybe we should revisit this later on, but right now let's start with the easy solution tell them they have to take care of the problems. They all pay a fee up there.

Nick Fox, East Shore Drive stated that first of all he thought it was a public hearing, not hearing from Board members to come up and tell everyone their position and why they pushed it through. He thought that was inappropriate. This is for residents to speak not for board members, from what the Chairman originally said here today, yet we're hearing why board members want this pushed through. Overwhelmingly, Mr. Fox stated that he's actually pretty happy. He's glad that the people spoke up that did and they hit on some extremely good points that he actually didn't think of and he appreciated that. Mr. Fox stated that when he reads this, he sees rental housing ordinance but after reading through it, it should be named the Weare Income Ordinance. This is a money grab, plain and simple. Big government is here in Weare and there is a small group of folks that are pushing this through. All the complaints he hears can be handled very easily and quickly by the local police department. If the local police department isn't handling that, we need to address that. We need to address the chief, have them come up and figure out why they're not responding to calls and handling those issues. That's what it is. Sadly when Mr. Fox went to the planning board, when this was originally brought up as a business, he asked them to define business and the reply was you're making money out of your house. Mr. Fox replied to that as, if you are cutting hair in your house and earning money from that that's a business. If you're selling eggs from your chickens on the side of your road, that's a business. Wood, snow plowing, landscaping, accounting, you name it all fall under that definition but for some reason because there's a couple folks that don't like the rentals or like their neighbors they want to get that pushed through. They thought that if they complained

enough and brought it to the Town selectmen you would address it. That's not the way to go about it. So what Mr. Fox stated to the planning board is, so if he has a neighbor that has chickens and wakes him up at 5 AM, I can complain to the Selectmen and you can add an ordinance and the response was yes. Then they went into chickens and animals and guidelines, Mr. Fox said go change it. Mr. Fox continued, that he has a neighbor that smokes outside and he can come and complain about that so we can pass an ordinance, yes that how it works, is what they said, it's in the minutes. That's not how that works you work it out with your neighbor. He did a quick search while we are sitting here tonight and there's actually one house that is on Airbnb that offers 10 guests. The one that was brought up by Mr. Nikias, I appreciate it, they're not getting along he gets it. They got to get along and work it out that's what neighbors do, that house is no longer offering 10, he's adjusted accordingly. He has it written in his rules there are no parties strictly to be obeyed if not they lose their deposits, they get fined and the police will be called. That's how it's done. Not an ordinance to charge everybody for permits and inspections. That's not how it's done. It's simply a neighbor complaint. If you look at the first page at the very bottom, this is where this will be headed and this is what's sad as there's not enough people here to hear this. What's the annual cost for staffing and administration of this ordinance? What does that mean? Mr. Fox replied, what that means is we will, if this does get passed, which should not be done by the selectmen it should be done by a vote of the town, but if this does get passed this staffing issue he could see down the road, which he is hoping everyone here can too, that means the chief can't do his duties, it's too much for him so we're going to have to hire some folks, which means our taxes go up, that's where that's headed. On page 3 under section B it's interesting and it says in addition to the minimum standards set forth above all residents rental housing shall be required to comply with the State fire code, but yet apartments don't have the same inspections and permits, multi-housing, why not. If the push from the board is state health and safety as we've heard from a number residents, it's health and safety only, for a single family that's renting but who cares about the folks that have multi-families we don't care what they do, we don't care if there's rats infested and drywall coming down and heat not happening that doesn't matter. Mr. Fox's wife has meals on wheels, she delivered to many, many apartment buildings. She would go into those apartment buildings and there would be 12 to 15 people in a 2-bedroom. Why isn't that being addressed? Is that health and safety? Yes big time Mr. Fox added. But we are being scared that if someone dies it's on us. Mr. Fox continued, no it's not on us it's not on the town it's on the person on the house on that owner that's why we have home insurance. Mr. Fox further added these tactics, it's sad and it's not Weare. On the inspection side, down to item three, "whenever an ownership of the residential rental property is transferred to a new owner after the effective date of this ordinance the new owner shall request an inspection of the property in each individual dwelling". Every time the house is sold a new inspection? Again money. Mr. Fox continued, "I'm sorry does anybody in here know how many times a car is inspected for the year, doesn't matter how many times it's sold, anybody know? One, but not in Weare we're going to get as much money as we can out of y'all, sorry it's just not good." Back to section B, states that it doesn't include any multi-family housing, Mr. Fox stated that was a joke and he can't believe that is even in there. He felt that it looked like all that was done is that the town copied and pasted stuff that has nothing really to do with Weare, it's just copied and pasted. On the next page, section f, notice of violation of ordinance at the very end, which is very interesting and we saw the wording has been changed in this handout. Removal, removal of the building, how is the town going to remove it. Mr. Fox added so what this is saying is that if the folks don't abide by the rules and regulations the town is going to remove the building. Are you going to demo it? Bulldoze it? He thinks that was the word that was used in the other one. This is not health and safety folks, per Mr. Fox, not even close. As was stated earlier by Mrs. Kurk if it was health and safety then this should be applied to every single residence in the town. He stated that he can drive by many homes and look from his car and say that should be condemned. He sees kids playing there and added "are you kidding me". It's not health and safety. It's not a business. On the final page, item number one, service will be made by registered mail, notice will be given to them by a publication in the newspaper, and does Weare have a town newspaper Mr. Fox asked. He hasn't seen one so he's not sure how someone's going to see that, in fact, Mr. Fox stated that there'd be more people here today, if they were aware of this meeting, but it was just sent out in an email, it wasn't even on the website on the calendar, it was just an email, so only if you subscribe to the email or someone told you about it, you knew about this meeting. Mr. Fox

continued, he was out of town and actually came back from meetings for this meeting. He knows there's a lot of folks that didn't even know about it and were very upset because they couldn't make it here, they weren't aware. It is a parking and noise issue period. If the police are not responding to parking and noise then we have to change the police department. That will all of this according to Mr. Fox. Mr. Nikias would not be here complaining about his neighbor if there was no parking or noise issue ever. He has neighbors that have big stinking parties, heck he lives on the lake and lake shore resort shoots off stupid fireworks all the time, isn't there an ordinance Mr. Fox asked. "How's that okay? Should we bring that up? He'd like to. He's trying to enjoy a nice night and he can't because stupid fireworks are being shot off all the time why is that allowed? He gets it for 4th of July but not the whole entire summer. At the very bottom it says this ordinance shall take effect upon adoption by the Board of Selectmen, Mr. Fox stated that is false. This is not a parking issue, you're not changing a miles per hour or speed limit on the road, the board is adding an ordinance that affects dozens of people in this town would be tens of thousands of dollars changing hands, collecting, possibly adding more staff, changing the tax to add more people that should be a vote for the town. Mr. Fox stated "no offense but the selectmen did not have the power to make those adjustments. This is not Weare. This is not America. We are going down a slippery slope. You start knocking on people's doors telling them what they can and can't do in their home, that's a slippery slope."

Jackie Pratt, Winter Road stated that she wants to respectfully disagree with one part of what the previous speaker said. She knows that if you are going to have a business in your home you have to go to the planning board and/or zoning board and get permits for that. She has watched a million of the towns YouTube videos and she's seen like the girl that wanted to do tattoos in her house, or a hairdresser, if you are going to run a business in your house you have to submit a site plan and everything else. If they are doing it otherwise then they are going against the town rules and ordinances. She doesn't see any difference if somebody is using their home and building other additions onto their home to rent out and they are physically living there while they're renting it out. If you're going to rent it out week after week after week that's a hotel so that's a business. If they are going to do that and list it on a site or advertise that they rent it weekly then wouldn't you have to submit a site plan or go to the zoning board or planning board, but they don't so but it is a business. She is confused as to why are hair cutting or tattooing or whatever they do want to do they come to the town for a permit to do so in their home but if you want to completely rent out your home, so that you can make some money because you have a nice lake house, how come they don't have to do the site plan or get a permit, what's the difference? Also, if you have a person that builds several complexes on their property in order to rent out different ones that's a business. That would need a site plan to rent that out. Are all the boards on the same page, she has heard time and time again that they can't do that, they can't do that but then they go to the zoning board and they say sure no problem. She feels at times the town isn't even on the same page. That's where a lot of the problem is as well. Mrs. Pratt stated that she gets and doesn't know if the needs to be full on the way it is, she understood why it was drawn up this way but she does feel at one point the short-term rentals are going to have to be addressed. It is a business. A hotel has to get approved before they can start. They have to get fire approval inspections and other things like that, but honestly this is a hotel. People are choosing to do Airbnb instead of going the hotel route, but it's the same thing.

Tom Clow, Concord Stage Road stated that he just wanted to clarify that the announcement of this meeting was front and center on the town website and has been for quite a while, so the announcement was there. The second part is the town has online town newspaper and it was also printed there in this week's edition Notification for this public hearing certainly has been out there on the town website and online newspaper.

Mike Jutras, East Shore Drive, stated that he is a little confused with an article that he is reading here. It says that the Weare Fire Chief will develop a detailed inspection list to be used by all inspections performed under the authority of this ordinance. Is what he is looking at below this his new development ordinance or is he making up something that we know nothing about but should know about? He'd like to know what the detailed list is and feels that everyone is entitled to be able to see something and if it's the draft that they've put out there he supposes it is fine, but if not we are entitled to know what it really is.

John Nikias, East Shore Drive again, stated that he has been a resident for 39 years and 10 months, so he's been a resident in the town not five years, not three years. He came to the podium earlier didn't mention any names, left that anonymous and Mr. Fox wants to mention names. Mr. Nikias stated that maybe Mr. Fox should look at the ad and maybe Mr. Fox should go and get the septic design and see if they add up, because they don't.

Peter Bailey, 39 Maplewold Road stated that this appears to be an incident that's really directed at Lake Horace issues, so why don't we just do this, if the town knows anything about the septic designs and stuff. If you have a problem with the septic design and there is a failure, all you have to do is if the building inspector doesn't want to take it you call DES in Concord, they will be on this like a prom dress. There are no issues with the Department of Environmental Services. If somebody's septic system is failing and the lake is becoming polluted you call them and they will take care of this immediately, so that issue goes away. Mr. Bailey added that the town is creating an issue here that there's no issue. We already have everything in place to take care of these problems. We have a police department. We have a fire department. If there's ever a fire there the fire department can get through. You have a police department that needs to enforce the existing rules. The zoning ordinance is pretty clear you have to have off street parking in the zoning ordinances. He doesn't understand why this is an issue, but up at Lake Horace they are probably grandfathered because there was never any off-street parking. Again this goes back to their association that they have up there. Why not let the association see if they can sure the problem first.

Chairman Hippler thanked everyone for coming out. He has a page of notes written down as probably the others do as well. The Board will review this and make changes as we see fit and work with the Planning Board as well. There will be another public hearing scheduled and we will try and have Town Counsel present to answer any legal questions that might come up.

Being there was no further business to come before the Board, Selectman Van made a motion, Chairman Hippler seconded to adjourn at 8:03 pm. Passed 5-0-0

ADJOURNMENT

A True Record.

Naomi L. Bolton

Naomi L. Bolton, Town Administrator
From notes and YouTube Video