

**DRAFT**



**WEARE BOARD OF SELECTMEN  
MEETING MINUTES  
October 24, 2022**

**PRESENT:** FREDERICK W. HIPPLER, CHAIRMAN; JONATHAN H. OSBORNE, VICE CHAIRMAN; KEVIN J. CAHILL, SELECTMAN.

**ABSENT:** Selectman Sherry Burdick and Selectman John Van Loendersloot

**TOWN ADMINISTRATOR:** Naomi L. Bolton

**GUESTS:** Laura Spector-Morgan, Attorney; Bruce Fillmore; Erick Kuck; Janice Mathews; Tom Clow; Robert Richards; Heleen Kurk; Tony Sawyer; John Nikias; Jackie Pratte; David Pratte; Nick Fox; Alec Graziano; Bob Wilber

Chairman Hippler called the meeting to order at 6:30 PM

**NONPUBLIC SESSION:**

**Chairman Hippler moved; Vice Chairman Osborne seconded to enter into nonpublic session @ 6:30 p.m. pursuant to the authority granted in RSA 91-A: 3II (a & c). A roll call vote was taken, Selectman Cahill – yes; Vice Chairman Osborne – yes; Chairman Hippler – yes. Passed 3-0-0**

**Chairman Hippler moved; Vice Chairman Osborne seconded to exit this nonpublic session @ 7:03 p.m. A roll call vote was taken, Selectman Cahill – yes; Vice Chairman Osborne – yes; Chairman Hippler – yes. Passed 3-0-0**

**Chairman Hippler moved; Vice Chairman Osborne seconded to seal and restrict these nonpublic session minutes. Passed 3-0-0**

**PUBLIC HEARING:** The Town of Weare Board of Selectmen will hold a Public Hearing on Monday, October 24, 2022 beginning @ 7:00 PM to hear public testimony and comment on the adoption of a proposed Rental Hosing Ordinance.

Chairman Hippler opened up the public hearing at 7:10 PM. Chairman Hippler welcomed everyone and stated that a second public hearing was promised at a time when Town Counsel could be here and she is here with us this evening.

Bruce Fillmore, 181 Gould Road, resident and Vice Chairman of the Planning Board. Mr. Fillmore explained that he works all over the State and he saw the issues that individual communities were having with largely short term rentals. He then began discussing this about a year ago with the Planning Board as possibly making some zoning amendments to address this for our community. After several meetings of discussion and meeting with Town Counsel the idea was that it would be better as its' own ordinance versus being put into the zoning ordinance. Particularly as the discussions focused on health and safety.

Selectman Cahill asked if there is a checklist as stated on page 3. Mr. Fillmore replied nothing has been developed to date. On page 3, item #5 regarding the penalty needs to be cleaned up and maybe adding a notice regarding this can be added to the tax bills for everyone to be aware of. Selectman Cahill further pointed out that rentals are clearly businesses, which would require a change of use permit as well as rooms and meals taxes should be paid. Mr. Fillmore stated that our zoning ordinance is “permissive”, which means that if it is not in the zoning ordinance it is not allowed. Currently nowhere in the zoning ordinance are rentals allowed in any zone. Chairman Hippler questioned the minimum standards under RSA 48-A as it does not specify short term rentals. Mr. Fillmore replied it is for all rentals not just short term. Attorney Spector-Morgan agreed that by enforcing the minimum standards of RSA 48-A, you will be enforcing all rentals.

Heleen Kurk, Mt. Dearborn Road asked the basis for the Board of Selectmen to be able to adopt this ordinance without Town meeting. RSA 48-A speaks to the “governing body” which is Town meeting. Attorney Spector-Morgan looked up the reference and agreed with Ms. Kurk. Ms. Kurk then asked if the Board will be putting this on the ballot. Chairman Hippler stated that there will need to be a full board discussion first, which will not be tonight as we are missing two members.

Jackie Pratte, 51 Winter Road stated that at the last meeting she mentioned Airbnb and Vrbo as sites that have really changed the way these get advertised. They have really clamped down on people renting and there being issues with the renters. In that case all you need to do is to report the issues to them and they have the ability to shut down their ability to advertise the rental. Ms. Pratte continued that in January 2023 Facebook is going to only let you list your rental in the Marketplace section, so even they are starting to really tighten up the restrictions. She asked by the Town can’t do something. She expressed her frustration of how people continue to take advantage of it and continue to rent without any regard. She shared one situation where across from her there were cars, campers and guests there all day into the evening. The next morning as she was sitting on her deck she watched the owner out moving all the cars around because they were blocking the road. She counted 22 people posing for a photo before everyone departed. She has no proof of all of them renting, but having 22 people staying in a two bedroom house with a bunk house and garage, that’s a business. Mr. Fillmore replied that they would have to get the owner/person to come before the Planning Board for site plan review, which is where all other businesses are supposed to go before opening.

Erik Kuck, 108 East Shore Drive, he doesn’t have an issue with this ordinance he only asked that a consideration be made on the minimum standards of 6 with 2 occupants per legal bedroom per the septic design. He is asking that it be 2 occupants plus 2 guests. His explanation was the fact that small children a lot of the times share the bedroom with the parents so families could stay and be legal. According to Mr. Kuck this amendment was added in Gilford, Conway and Freedom.

Nick Fox, East Shore Drive, asked why is it faster than through enforcement than this way. Attorney Spector-Morgan replied that enforcement has time limits and goes through the court system. Mr. Fox then asked how many fire calls have there been to rentals. Acting Chief Bob Richards replied around 200 but was unsure if they were rentals or non-rentals. Mr. Fox asked how many police calls have there been to rentals. No one was present from the police department so that could not be answered. Mr. Fox stated that he thinks the Town is looking to enact this ordinance basically for two rentals. He felt it is discrimination.

Janice Mathews, Woodbury Road had a few questions. How many properties does this entail? What will it cost to implement? Will there be additional staffing needed? Ms. Mathews then asked by it can’t be for short term rentals. Attorney Spector-Morgan replied it has to be for all rentals or it would be discrimination. Ms. Mathews asked if it includes new construction. Yes except for multi-family which would be exempt. Usually multi-family units require a site plan so any health and safety issues would be taken care of then

the application process. Ms. Mathews commented that it appears that this came up as a result of short term rentals and parking issues.

Al Graziano, East Shore Drive, stated that he has been a resident in Weare for about two years now. He asked what is the process or next step after this hearing. Chairman Hippler stated that a final draft would have to be sent to Town Counsel for review and then it would go to Town meeting if the Board moves it forward. Mr. Graziano stated that he has been renovating his house and he was looking to fill the gaps and he was thinking about renting it out to help defray the costs. His taxes has increased tremendously in the past two year. He felt that may basing the occupants on the square footage versus bedrooms. If he was allowed to rent this out, he envisioned making between \$5,000-\$6,000 in the course of a year which would help pay is taxes. He was on board with making sure all safety concerns were addressed. He felt that the occupancy number seems too low.

Nick Fox, East Shore Drive, pointed out that one of his properties is the first of five houses on that road that was built in the 1950's. He cautioned the board to be careful with going "change of use" route for rentals.

Heleen Kurk, Mt. Dearborn Road wanted to reiterate that this would have to go to Town meeting. The response was yes.

Bruce Fillmore, 181 Gould Road stated that if it goes to the voters the only thing on the warrant would be the article, so any amendments that might be made to the article on the floor at deliberative session would not change the ordinance in its final version.

Vice Chairman Osborne stated that the full Board will need to have a discussion to see if they want to put it on the ballot for the Town to vote on. That will not happen tonight as we are missing three members.

Being there was no further comments or questions, Chairman Hippler closed the public hearing at 7:58 PM and he thanked everyone for coming tonight.

The Board agreed that they will have to have another work session regarding this so the full board can weigh in on it.

#### **NONPUBLIC SESSION:**

**Chairman Hippler moved; Selectman Cahill seconded to enter into nonpublic session @ 8:08 p.m. pursuant to the authority granted in RSA 91-A: 3II (a & c). A roll call vote was taken, Selectman Cahill – yes; Vice Chairman Osborne – yes; Chairman Hippler – yes. Passed 3-0-0**

**Chairman Hippler moved; Vice Chairman Osborne seconded to exit this nonpublic session @ 8:49 p.m. A roll call vote was taken, Selectman Cahill – yes; Vice Chairman Osborne – yes; Chairman Hippler – yes. Passed 3-0-0**

The Board met to start strategizing the future DPW structure.

**Being there was no further business to come before the Board, Chairman Hippler made a motion, Vice Chairman Osborne seconded to adjourn at 8:50 pm. Passed 3-0-0**

#### **ADJOURNMENT**

A True Record.

*Naomi L. Bolton*

Naomi L. Bolton, Town Administrator