

Final



WEARE PLANNING BOARD  
MEETING MINUTES  
August 12, 2021

**PRESENT:** CRAIG A. FRANCISCO, CHAIRMAN; BRUCE FILLMORE, JR., VICE CHAIRMAN;  
WILLIAM (BILL) STOCKHAUS, SECRETARY; RAYMOND (RAY) MENARD, ALTERNATE; NAOMI  
BOLTON, INTERIM LAND USE COORDINATOR  
**ABSENT:** JOHN (JACK) MEANEY, EX-OFFICIO, FRANK (CHUCK) BOLTON

**GUESTS:** John Nikias

**I. CALL TO ORDER**

Chairman Francisco called the meeting to order at 7:05 pm. and welcomed those present to the August 12, 2021 meeting of the Weare Planning Board.

**II. DISCUSSION**

**A. Residential Rental Property Amendment**

Vice Chairman Fillmore started the discussion, giving his background as a septic system designer, he has seen all over the State where people are purchasing property and turning them into Airbnbs. Having discussed this with the State, there is not much they can do, but they are pleased the septic load was his approach. State Code is based on gallons per day, one person = 75 gallons/day, a two bedroom house = four adult people. Part of our planning and zoning speaks to safety, protecting the health and welfare of the townspeople. Limiting to four people, anyone over the age of five, restricts the number of cars at a property. He defines a residential property as the definition used in zoning.

Secretary Stockhaus read the following:

**Article 19.1 SPECIAL EXCEPTIONS:** *The following uses will be permitted by special exception in the Residential, Rural/ Agricultural, and Village Zoning Districts according to standards set forth in Article 6.1.4, Special Exceptions, except where indicated.*

**Article 19.1.3 Seasonal homes, camps, or campgrounds, whether for private use or for rent. Not permitted in the Residential or Village Districts. Motor Sport and Race Track Facilities are not permitted in the Residential, Village and Rural Agricultural District.**

**Article 18.3.1 Off-street parking only in all cases.**

**Article 18.3.2 Single family and two-family dwellings shall allow for two spaces per dwelling unit.**

Continuing, Secretary Stockhaus advised to have a definition and relate it to the already established zoning protocols.

Town Administrator Bolton shared there is an issue with an Avitar Tax Card in that a town resident is in an (R) district and is mistakenly marked as (RA). This is the only one on the street; all others are marked as (R).

Secretary Stockhaus asserted based on the Town's Zoning Regulations anyone renting out their homes on East Shore Drive, a residential district, is in violation. Chairman Francisco agreed stating it applies all over Town. (RA) zoning requires a Special Exemption. Vice Chairman Fillmore added a Variance would be needed to comply.

John Nikias, 106 East Shore Drive, questioned the Board, if a resident applies for an application is this approved by the public. Chairman Francisco responded anyone applying for a Special Exception, in a (RA) district, would have to be approved by the Zoning Board with a public hearing.

The Board continued a lengthy discussion regarding the Zoning Ordinance interpretations and what changes they may be looking to include. Based on the theory a two bedroom home allows four people as overnight inhabitants. No restrictions as to how many people are on the property during the day.

John Nikias commented on their discussion asking is the Board not concerned with how many people are using the septic system. For example, twenty people all day long using a two bedroom designed septic system is ok as long as they do not spend the night. He finds this confusing; perhaps the Board should consider disallowing residents to structure their properties as Airbnbs all together as other jurisdictions have.

Vice Chairman Fillmore responded the original Article 19.1 and 19.1.3 will still stand, no changes. The Town cannot stop people from having family gatherings.

John Nikias stated twenty people, seven days a week, at 75 gallons/person, how would that affect the amount of black water passing through the system for one day, for seven days a week. Chairman Francisco responded using Vice Chairman Fillmore's equation only four people out of a party of twenty could spend the night. John Nikias explained even at half a day, 12 hours, using the facilities, for example at 35 gallons/person at twenty people... Chairman Francisco jokingly stated you cannot tell me I can't have a party at my house. John Nikias tried to make the point he witnesses daily next door to his residence, his neighbor renting his home for parties is completely different from a person having a personal party. Chairman Francisco disagreed.

Secretary Stockhaus asked isn't the 75 gallons based on more than just using the bathroom facilities. Showering, washing dishes, doing laundry will not happen during a one day event. Vice Chairman Fillmore stated a standard office worker is 15 gallons/day. John Nikias explained even at 15 gallons times twenty people for the day, seven days a week... Vice Chairman Fillmore answered as long as they do not stay overnight; he does not think it happens seven days a week. John Nikias offered the Board to visit his home, there are twelve people outside at his neighbors right now at this moment.

Ray Menard stated the number of bedrooms dictate the number of cars allowed at some rental units. He has heard of instances where when this rule is not followed, the owner of the property enforces the parking rule.

Town Administrator Bolton ponders how does the Fire Department pass through on East Shore Drive when twenty cars are parked everywhere, especially on such steep terrain.

John Nikias asked the Board on a Class VI is the winter parking ban in effect. Vice Chairman Fillmore replied the only thing that applies on a Class VI road is life safety aspect. Making sure an ambulance can pass.

The Board continues the discussion about parking, off street parking and the renting of properties.

John Nikias asked can six on street parked cars be ticketed when calling the Police in the winter when they block traffic. Vice Chairman Fillmore answered that can be done today. Town Administrator Bolton responded the Police Department will need a letter from the Town to enforce this regulation. They will need documentation for follow-through with the ordinance.

Secretary Stockhaus suggested perhaps the East Shore Drive Road Association could instrument a plan proactively. Town Administrator Bolton shared there are other circumstances along the other side of the lake where the same thing is happening.

Chairman Francisco and Vice Chairman Fillmore work on rewriting, making addendums to the Articles. Secretary Stockhaus asked for clarification and made suggestions. More time is needed to explore further. John Nikias is invited back to the Board's September Work Session.

Secretary Stockhaus mentioned the Town of North Conway, NH Select Board has closed down all short-term rentals because of the similar situation as East Shore Drive, too many people, rowdy people, Police being called. Ultimately protecting their town waterways.

Vice Chairman Fillmore is not interested in the direction of closing down short-term rentals; he will work on revamping his ideas improving the current Articles.

Homes along Horace Lake are in close proximity; John Nikias stated his bedroom window is a very short distance to the partying next door. Secretary Stockhaus stated maybe the zoning for the lake needs to be addressed. It is not all residential some seasonal camps. That would be a bigger discussion stated Vice Chairman Fillmore. The goal is to have the ordinance apply to all renting, all over town. More exploration is needed added Secretary Stockhaus.

#### **B. Wetland Buffer & Setback**

Chairman Francisco would like to add, *"Additionally, any wetland less than 3000 sq. ft. that does not have any very poorly drained soils will not have any setback."* Secretary Stockhaus suggested, *"relief granted will be based on a sliding scale"* instead of *"will be a."* Chairman Francisco agreed. Secretary Stockhaus confirmed they are redefining Article 28.9. Chairman Francisco responded yes, he would continue to revamp it.

#### **C. Mixed Use**

Vice Chairman Fillmore stated for him, mixed use is residential and commercial, not necessarily industrial. Allowed uses need to be checked for each zone, what goes together? One principle building with an attachment above, below or beside, should we keep it like that? Could a business also have an apartment?

### **III. MINUTES**

July 22, 2021 Minutes: **Secretary Stockhaus moved, Vice Chairman Fillmore seconded to accept the minutes of July 22nd as written, passed 4-0-0.** Chairman Francisco appointed Alternate Ray Menard a voting member for this meeting.

### **IV. NEXT MEETING**

August 26, 2021

**Being there was no further business to come before the Board, Secretary Stockhaus moved, Vice Chairman Fillmore seconded to adjourn the meeting at 8:31 pm. Passed 4-0-0**

A True Record

*Karen Nelson*

Karen Nelson transcribed from

You Tube Recording, TA Bolton notes