

**ALSTEAD PLANNING BOARD AND
ZONING BOARD OF ADJUSTMENT MEETING
POB 60, Alstead, New Hampshire 03602
Phone/Fax 603-835-2986**

**JOINT MEETING MINUTES
January 11, 2021**

Note: These minutes are furnished for public inspection in accordance with RSA 91-A:2 and are unapproved until offered for disposition by the Board at a regular meeting. **ACCEPTED AS CORRECTED PB 2/8/21. ACCEPTED AS READ ZBA 6/7/21.**

PB Members present for the in-person/Google Meet: Peter Rhoades/Chairman (in-person), Chris Rietmann (Google Meet), Justin Falango (Google Meet), David Konesko (Google Meet), MaryAnn Wolf (teleconference) and Gordon Kemp (in-person). ZBA Members present for the in-person/Google Meet: Mike Rau (in-person) and Joe Levesque (Google Meet).

Rhoades/Chairman opened the Meeting at 7pm. PB Member Kemp presented the Board Members in attendance with a copy of the Zoning Ordinance (which he is referring to as Exhibit A) that includes several proposed wording changes around the previous discussion of *the proposed zoning amendment change pertaining to Article VII G 2 b Lodging House*. Kemp had gone through the entire Zoning Ordinance document and made suggestions as to any area that was affected by/or pertained to the discussion of short term rental. *Marsden forwarded the document via email to all ZBA and PB Members.

Rhoades opened the Continuation Zoning Amendment Public Hearing at 7:15PM. The three approvals (of the Article II Definition of Event Center, Article III C Table of Permitted Uses – adding in the category of Event Center, and Article VI Non-Conforming Uses and Non-Conforming Lots Section VI f 2) from the first Public Hearing on 12/14/20 were briefly reviewed.

Kemp reviewed all of the proposed changes within his Exhibit A, item by item – and suggested that all these changes be on one Warrant Article. Rhoades stated that each separate change may need to be a separate Warrant Article. Member Wolf pointed out that the words 'short term' needed to be hyphenated. Member Riemann stated he was opposed to all the changes proposed, as he was not in support of seeing the need to make these changes, nor was he concerned with Air BnB-type rentals becoming an issue in town. Rhoades stated that Kemp has made the Zoning Ordinance document much clearer by adding definitions and getting rid of non-related wording; and made the language of the document go together better. Rietmann still disagreed, stating there is no compelling reason to monitor B&B's, etc. Kemp pointed out if each suggestion needed to be a separate Warrant Article, then the Board would be recommending 10 instead of 3, if all his suggestions get approved. The suggestions were reviewed one by one (**see Exhibit A for specific wording**):

1) page 2, 1 *proposed change* – in Article II Definitions - change the definition of **Bed and Breakfast**. The Members voted, and a majority voted in favor of this recommended change.

2) page 3, 1 *proposed change* – in Article II Definitions - add in a definition for **Hotel, Motel, Inn**. The Members voted, and a majority voted in favor of this recommended change.

3) page 3, 1 *proposed change* – in Article II Definitions - add in a definition for **Short-Term Lodging Facility**. Member Falango originally asked why part B was needed – Kemp replied if it wasn't there, then this document would be limiting hotels, motels and inns to only allowing stays up to 30 days in length. Kemp continued, if

someone stayed longer than the allowed 30 days, then it would basically be considered an apartment. The Members voted, and a majority voted in favor of this recommended change.

4&5) page 5 & 6, 2 *proposed changes* in Article III in the Table of Permitted Uses – add in 2 new categories – **Private Residences or parts thereof used as a Short-Term Lodging Facility for 10 or more guests (*)** and **Private Residences or parts thereof used as a Short-Term Lodging Facility for 9 or fewer guests (*)**. Member Kemp asked Rietmann if the first change was struck, and if this was allowed across the board, if he would be in favor - Rietmann still wasn't. Konesko brought up a concern for adequate parking. Rhoades stated that this new wording offers clarification to address problems 'we might have in the future' - not necessarily issues that we have had in the past. The Members voted, and the majority were in favor.

6) page 6, 1 *proposed change* – in Article III in the Table of Permitted Uses to strike the **Single Family Dwelling** category. Discussion ensued, and Member Falango suggested only striking the wording “with not more than 3 boarders” from the Single Family Dwelling category in the Table of Permitted Uses. The Members voted, and the majority were in favor.

7&8) page 8, 2 *proposed changes* – in Article IV General Provisions Applicable In All Districts - to strike **Lodging House** and the minimum number of parking spaces required; and to add **Short-Term Lodging Facility** with information for parking spaces required “1 for every 4 guests of advertised capacity” - discussion ensued, and Konesko stated he had a concern that adequate parking is provided on site in general; Member Falango agreed – adding that it is less to do with the number of spaces, but to make sure the parking provided is safe and adequate. Member Kemp stated this issue is mentioned on page 14, under Article VII G 2 b (but only for issues that require Special Exception) – and Kemp suggested striking the proposal all together, or add 'provide adequate parking'. Rhoades suggested the wording 'adequate parking without overflow onto a public street'. Member Falango suggested the wording 'adequate parking provided wholly on-site'. The Members voted, and the majority were in favor of Falango's wording suggestion.

9) page 11, 1 *proposal* – in Article VII A 2 b changed the wording from boarders to guests.

10) page 13, 2 *proposals* – delete Article VII G 2 b **Lodging House**, and its wording, completely; and add in **Short-Term Lodging Facility** and new wording in the same section.

***After all the changes were reviewed, discussion ensued that all these changes all pertained to short-term lodging – and the Board wanted these to be presented all as one Warrant Article.** The majority agreed that if all these proposed changes don't pass, the final Zoning Ordinance document would not make sense – which is why they want it presented as one Warrant Article.

A Motion (Kemp/Falango) was made to postpone action on Article III E 3 a & b at this time. Motion passed. Konesko pointed out that the change was proposed for measurement from the Right-of-Way to the center of the traveled way – but in his opinion, the measurement should be from the edge of the Right-of-Way (which is the property line). Konesko had done research and the Right-of-Way distances on roads in Alstead - *Marsden to send this information to all PB and ZBA Members, as well as the new Zoning Officer.

Overall, 4 of the 5 proposed zoning ordinance amendments passed. Rhoades asked for a Motion to accept all the changes highlighted in Exhibit A (pertaining to short-term lodging) to be presented as one Warrant Article, vs. several separate Articles, that may or may not all pass. It was agreed they need to all pass, as one unit, for the Zoning Ordinance to make sense. Kemp/Konesko made such a Motion. Motion passed (1 nay-Rietmann; all others in favor). **If Exhibit A cannot be treated as one Warrant Article, *Konesko suggested wording be added to**

the Warrant Article that all the changes need to be approved in order to change the zoning ordinance, or nothing can be changed because the proposed changes all tie together.

It was determined that the last date to post proposed Zoning amendments was 1/27/21.

A Motion (Rietmann/Kemp) was made to close the Public Hearing. Motion passed.

Prescott Trafton/Road Agent was present to discuss getting rid of the Scenic Road designation on Camp Brook Road. He pointed out that it was the only road with that designation in Town. His reasoning for this is because of tree issues on the steep slope of the road, and his inability to take care of them as needed without Planning Board approval and a Public Hearing. Trafton said he understood it was a difficult process to change this designation. The RSA's were reviewed, and it turns out that at least 10 signatures are needed on a petition, and the Town Clerk must notify all the Abutters via regular mail OR the Planning Board can choose to add it as a Warrant Article, but the Town Clerk still needs to notify all Abutters via regular mail. Rhoades feels this designation only pertains to limits on changing trees and stone walls along the road. ZBA Member Rau stated that if there is a nuisance tree, that the Road Agent can go to the Select Board (no PB Public Hearing needed), and if they determine the tree is an imminent threat, then approval can be given to get rid of the tree. Rhoades stated, in the short term, it's best for *Trafton to go to the Select Board to deal with this issue, and then *this matter can be discussed further to decide if the scenic road designation should be removed.

Trafton also spoke about a driveway maintenance issue that he runs into occasionally – culverts running under driveways. Trafton explains to the landowners that they own the culvert, and must pay for maintenance, but they don't want to. When a culvert has failed, it can cause problems onto a Town road. Rhoades stated that he/the Road Agent, can present problem areas to the Planning Board, and they can write a letter to the landowner regarding their need to fix the problem; OR the Select Board can give permission for the Road Agent to fix it, and the landowner will get billed (this was found in the 'Hard Road to Travel' book, page 125 Driveway/Curb Cuts, RSA 236:13).

Rhoades stated that the Planning Board has turned the authority on such issues to the Road Agent to make these decisions, and the PB will back him.

A Motion (Falango/Konesko) was made to adjourn the Meeting. The Motion passed. Meeting adjourned at 9:10PM.

Respectfully Submitted,

Melanie Marsden/Admin. Assistant