

Board of Selectmen  
Work Session  
Minutes  
May 2, 2023 @ 6:00 pm  
*(Approved - June 27, 2023)*

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Chairman P. LaRochelle convened the meeting at 6:00 PM.

The following staff members were present:

Paul LaRochelle, Chairman  
Brock Mitchell, Vice-Chairman  
Andrew Morse, Selectman  
Nicholas Buonopane, Selectman, Selectman  
Richard Shea, Selectmen  
Ryan Heath, Town Administrator

Short Term Rental Regulations

P. LaRochelle introduced J. Dever, Code Enforcement Officer, J. Call, Town Planner, and the Board of Selectmen.

P. LaRochelle reads the questions:

*#1 What, if any, types of documentation should be provided if a property owner has a STR off a private or Class VI road, prior to the town requiring property owners record the Waiver of Liability? If there is one in place, would property owners be required to inform prospective renters that such a document is in place so they are aware they are aware that there is a potential that emergency services may not be able to access the property if the road is not properly maintained?*

T. Bamford, consultant joined the meeting through Zoom.

T. Bamford stated that she thinks that would be something that Code Enforcement would document rather than the landowner. J. Call stated that the second half of the question is if someone is renting out property would it be beneficial for them to know that there is potential Emergency Services may or may not be able to access the property. T. Bamford stated that would be a check box for Code Enforcement. She stated that she does not care for the waivers. J. Dever stated that it should be disclosed to the renters. There is a possibility they couldn't get to them.

*#2 If the requirement is to provide proof of an approved septic system or provide an approval from NHDES that a system can be constructed if a current system fails, what is required of property owners out on the islands that have such provisions like compostable toilets?*

T. Bamford asked if they have DES permits for what they have. J. Dever stated that more and more have septic systems. Some are using outhouses and some have compostable toilets. T. Bamford stated that the permit could state DES approved alternative instead of DES approved system. R. Heath asked if there is going to be a limit to how many people are allowed in the rental. T. Bamford stated that is already covered in the application.

*#3 If the requirement is to provide a test with the absence of total coliform and E. coli by a NH Environmental Laboratory Accreditation Program, what is required of property owners that may filter lake water or transport their own water to their dwelling?*

J. Dever stated that he thinks we can't force them to get a well. It needs to be disclosed that the water is not fit to drink.

*#4 What will the Town require for a permit fee?*

T. Bamford stated that you want to make sure it covers staff time. J. Dever stated the we need to look at other towns. P. LaRochelle thinks it should be between \$100 to \$150. He also thinks the inspections could be every other year. It is the general consensus of the Board to charge \$150 for a permit and inspection every two years.

*#5 What types of processes would the BOS like to use to inform the public about STRs? What if there are any costs involved?*

J. Call asked how do we notify every one of the new process. P. LaRochelle stated that we would do what we normally do to put out notification.

*#6 What would the duration of the permit be valid for?*

Covered under #4.

*#7 What are the penalties if the provisions indicated in the permit have been violated? What types of infractions would be considered a violation?*

J. Dever stated that it anything that breaks Town Ordinances or lice Department is involved. P. LaRochelle stated that he was thinking first offence is a warning, second offence \$300 fine, and third offence loss of permit privilege for one year. D. Shea asked if it would be for the same issue. N. Buonopane stated for any offences. P. LaRochelle stated that the homeowner or agent needs to be within 15 to 30 minutes away.

*#8 What are the options, if any, for property owners that are currently running a STR in the Residential Zone, which is prohibited? Would they be "grandfathered"? What if a property owner purchased a lot with the intention of renting it as a STR, but have not gotten it up and running as of the passing of the ordinance on March 28?*

T. Bamford stated that a person who already had one in a Residential Zone should be treated as grandfathered. It should be a question for the Town Attorney. She thinks the Town will

have trouble enforcing what was there. They will wait to see what the Town Attorney has to say and see what challenges that arise.

*#9 Will a property owner be required to procure an agent/property manager (one who could respond in person within 30 minutes) to be out on site if issues arise that require one, in the event that the owners live out of state? What about requiring a Knox Box?*

T. Bamford stated that she would like them to send this one to the Town Attorney. R. Heath stated that this would coincide with the Town's Alarm Policy requiring someone in the area to have a key. It is the consensus of the Board to have an agent and no on the Knox Box.

*#10 If required, in addition to providing contact information for an agent/property manager, should property owners post occupancy limits and quiet hours to ensure occupancy limits are not to exceed and to ensure adherence to the Town's Noise Ordinance?*

J. Dever stated that should be part of the contract. It should be posted in the building.

*#11 What is the timeframe for the Code Official and Fire Department to perform their inspections? How often are inspections required? What would the timeframe be for the town to issue a permit after inspections have been performed and satisfactory results have been obtained?*

J. Call asked if someone were to come in and submit an application, how long would the time frame before inspections take place. J. Dever stated that it is hard to determine how long it would be. R. Heath stated that it could be stated that a response could be issued. N. Buonopane stated that he likes the response in 30 days. There are too many people involved for a shorter amount of time. T. Bamford stated that it does not need to go to the Selectmen for approval. Who every goes out to inspect it can sign off on it. The signature should be for the Select Board Designee then it is flexible. N. Buonopane stated that one of the Board should work with the Town Administrator on that. J. Dever asked if he volunteered. N. Buonopane stated that he thinks he did. R. Shea asked if the Fire Department is needed for the inspections. It was stated that it was. B. Mitchell stated that when the person goes out to inspect can check for things that the Fire Department would look for. J. Call stated that a check list can be created.

*#12 Will the town be able to process all permit applications in a timely manner so as to not affect the many STRs in town that are already booked out throughout the season?*

This was discussed in the previous question.

*#13 Should property owners provide a boundary survey or something of the like to prospective renters to ensure that they are aware of the property lines so as to not encroach on abutting land?*

J. Dever stated that he thinks it is important for the renter to know the limits. T. Bamford stated that boundary surveys can be expensive. J. Dever stated that they wouldn't need to go out and get a survey but they would have to make sure the homeowner shows the renter

the boundaries. N. Buonopane stated that a copy of what is given to the renters should be required when they turn in the application. R. Shea stated that in the packet given to the homeowner, a list of required documents should be included.

*#14 The permits should indicate that the granting of the permit is owner specific and that they are not transferable.*

J. Call stated that this is more of a statement than a question. T. Bamford stated that it is a good idea to put it on the permit.

*#15 After finalizing the permit, what's the timeframe of property owners coming into compliance?*

T. Bamford stated that most towns that she works with are willing to coming into general compliance by giving a lot of time. R. Heath stated that we could give 6 months with the caveat that if there are issues that we can require them to come into compliance immediately. N. Buonopane stated that he feels that is good but if they do not come into compliance in six months, they have to re-apply all over again.

Discussion ensued in relation to fire permit requirements for the renters and homeowners.

#### Other Business

D. Hall approached the table. She stated that there were cabins that were done over. Her driveway is being used by them. They have 14 spaces. They have missed her car and wall. She is concerned about fire. She does not want to share her driveway. The neighbor has been pulling big construction vehicles in there. D. Hall was informed that this meeting is a workshop for Short Term Rentals.

V. Bober approached the table. He agrees with everything in #1. He asked about septic inspections. Penalties should be against the homeowner. He asked about posting the boundaries. He said no one reads them. He read the Kittery, Maine Short Term Rental specifics.

B. O'Brien approached the table. He stated that he has called the police three times already. He asked about being grandfathered.

#### Adjournment

B. Mitchell moved at 7:30 pm to adjourn and A. Morse seconded. **Motion carried.**

Respectfully submitted, -

  
Stacy L. Bailey  
Recording Secretary