

**TOWN OF NEW HAMPTON
BOARD OF SELECTMEN
MEETING MINUTES
TOWN OFFICE
NEW HAMPTON, NH 03256**

March 28, 2019

MEMBERS

Mr. Irvine, Mr. Mertz, and Mr. Denoncour were present.

PRESENT:

OTHERS

Town Administrator Mrs. Lucas

PRESENT:

CALL TO ORDER:

Mr. Irvine called the meeting of the Board to order at 6:30 p.m.

WORK SESSION

Manifests, bills, requisitions, purchase orders and leave request forms.

The board reviewed the following Building permit:

1. Vacation Camp Resorts, Tax Map R-20, Lot 1; HELD for further information.
2. Ralph & Christine Perron, Tax Map R-4, Lot 83; Approved

The board approved the Intent to Excavate:

3. Ambrose Bros. Inc. – Tax Map R-11, Lots 23B, 23C & 23D.

APPOINTMENTS

Chief Drake was present.

6:30 PM

*Fire Chief Michael
Drake*

Training request for Jordan Lippmeier to be certified for A EMT at the cost of \$1,720, requesting to share some cost with Plymouth (\$600 each) as she serves on their department also. She is willing to pay the remainder. Total cost \$1,720. Mr. Mertz made a motion, seconded by Mr. Denoncour, to approve the expenditure at \$600 for A EMT training for Jordon Lippmeier. Vote was unanimous.

Chief Drake advised of a correction to line item in the budget for LRMFA due to insurance and workers compensation.

17C1 was taken to New Hampton Auto. Initial estimate less than \$500, but will update board once he knows.

Grant for security system – rep from Emergency Management has said employee EAP program suffices for drug awareness program requirement.

**NON PUBLIC
SESSION**

At 6:37 pm Mr. Irvine made a motion, seconded by Mr. Denoncour, to go into Non-Public Session, according to RSA 91A:3 II (a) Personnel. Vote passed. Roll call was taken, Mr. Irvine - Y, Mr. Mertz –Y, Mr. Denoncour – Y.

PRESENT

Mr. Irvine, Mr. Mertz, Mr. Denoncour, Chief Drake and Mrs. Lucas

**RETURN TO
PUBLIC SESSION**

At 6:56 pm, Mr. Irvine made a motion, seconded by Mr. Mertz, to come out of Non-Public Session. Mr. Irvine made a motion, seconded by Mr. Denoncour to seal the minutes for 5 years. Votes passed.

6:45pm

Shamrock Motors

Roger and Lisa O’Sullivan were present.

Mr. O’Sullivan said they want to locate their business alongside Rossi’s Restaurant. Mr. Irvine said they received DMV notification that Shamrock Motors had applied for a motor

vehicle dealer license and wanted to meet to discuss the business.

Mr. O'Sullivan said he has a lease to open on 4/1/19. Mr. Mertz advised that there was previous site plan approval that specifies what is allowed and Mr. O'Sullivan said he was aware of that approval and its conditions. Mr. Irvine said one of the conditions was to replace some trees that were removed and those replacements have died and asked Mr. O'Sullivan to address that. Mrs. Lucas asked if Mr. Rossi had provided all the information relative to previous site plan approvals and Mr. O'Sullivan said he thought he might have it. Mr. Denoncour made a motion, seconded by Mr. Mertz, to approve the State DMV vehicle retail dealer license and registration application for Shamrock Auto Brokers. Vote was unanimous. Mr. Mertz pointed out that the building out back was allowed to be used for detailing, but no inspections or repair.

7:00 pm
Philip Jones
46 Seminole Ave
Tax Map U-11, Lot
19

Philip & Christopher Jones, GM Gail Archibald (Bayside Rentals) and the owner of Bayside Rentals, and abutters Wes & Janan Hays were present.

Mr. Irvine advised that there was a total of 9 letters that went to property owners who were offering their property for short term rental, an issue being discussed in other towns. He said by definition this creates a "tourist home" which is permitted in some districts or permitted by Special Exception in others. Mr. Irvine said this has been brought to the board's attention based on neighbor complaints of obnoxious use, which can be handled by the PD. He advised that in the GR District, through a Special Exception process, a Bed & Breakfast/Tourist Home allows for a single dwelling to provide transient accommodations for not more than 6 persons.

Philip Jones advised they have a large family who has vacationed on Lake Waukegan since 1970, and their parents purchased 3.3 acres and constructed a home for the 4 generations to use in the mid to late 2000's. He said they have a lot of off-street parking for the large family. He said they have offered short term rentals through Bayside Rentals with strict rules, for many years, and also have various relatives use the house. He said as the letter arrived in January bookings were already in place for the season; the 1st in July, with the rentals helping with taxes and upkeep. Mr. Irvine said the Selectmen have decided to avoid selective enforcement and work with property owners on a case by case basis to determine compliance. Mrs. Lucas advised Mr. Jones of the submission dates to ZBA and said that if a Special Exception was granted it would then require Site Plan review with the Planning Board. Mr. Jones referred to the definition of an "inn", where the owner resides on premises and there are 10 lodging rooms, and "tourist home" with the restriction on number of individuals allowed. He asked how he would restrict a 5 bedroom, 15-bed house to only 6 individuals. Mr. Mertz advised that the term "inn" only applies to the Village District. Mr. Jones asked how long would the term be for a rental to not be "transient". Mr. Irvine said state statute says 6 months + 1 day. Mr. Jones advised that his renters use the property in the same manner as he and his family do, and is done through a lease of the entire property. Ms. Archibald said Bayside Rentals has rented four Seminole Avenue properties for at least 8 years and they always caution every renter to observe the speed limit on the road and are available 24/7 when there are issues. Mr. Irvine said they recognize the history of rentals on lakes in the region. He said the town's ordinance is permissive, so if it not expressly permitted, then it is NOT permitted. Mr. Jones asked how discussion came about when developing the ordinances to address issues for short-term rentals. Mr. Irvine said problems brought up by residents close to the rentals has caused them to address these concerns and that some lakefront property buyers are only renting their homes; not utilizing them. Mr. Mertz said in 2017 a property owner had discussions with the planning board relative the abutting property, its use as an

Airbnb, and the resulting problems. He said no changes were made to the ordinances, with Selectmen utilizing current regulations. Ms. Archibald said if any of her other New Hampton rentals received this letter she would ask them to meet with the Selectmen.

7:30 pm
Maureen Belanger

Mrs. Belanger and ZBA Chairman Mr. Tierney were present. She explained why she is interested in serving as a member to the ZBA and provided her background.

Mr. Mertz made a motion, seconded by Mr. Denoncour, to appoint Mrs. Belanger as a regular member to the ZBA. Vote was unanimous.

DISCUSSION

The Board reviewed the following:

- The board signed a Payroll change form for Officer Hazel at \$19/hr. effective 4/1.
- The board signed an appointment for the Deputy Treasurer Kristin Harmon.
- The board reviewed draft letters for:
 - a. Brenda Erler & Wally Orvis – appreciation of service on ZBA.
 - b. Teresa Griffin – service on Planning Board with no reappointment being issued.
 - c. John Brown – letter explaining why his application for an Elderly Exemption was being denied.
 - d. Dana Witham – request for filing of new building permit application with fees and added fees if the letter is ignored.
- DTC letter, dated 3/19, re: Taxation of use of public rights of way. Draft prepared for mailing to assessor – G. Sansoucy and CNP.
- DTC email, dated 3/25, re: 2017 appeal of PSNH. Mr. Irvine made a motion, seconded by Mr. Denoncour, to extend the existing engagement agreement with DTC for the 2017 Utility appeal. Vote was unanimous.
- DTC email 3/22, re: continuation of BTLA hearing on PSNH until 11/5/19.
- Submission of BTLA Exemption Form A-9 Exemption from Gordon Nash Library. Mr. Denoncour recused himself from this vote. Mr. Irvine made a motion, seconded by Mr. Mertz to approve the charitable exemption. Vote passed.
- The Road Surfacing Management Survey contract with LRPC was reviewed with Public Works Director Mr. Boucher and has no concerns. Mr. Mertz made a motion, seconded by Mr. Denoncour to approve the contract. Vote was 2-0, with Mr. Mertz abstaining. Chairman Irvine signed the contract.
- The board reviewed emails from residents on Seminole Avenue regarding short term rentals, reading each into record:
 1. Dave & Debra Marsh, 3/25/19 – expressing concerns on the negative effect of short-term rentals on Seminole Avenue, both to the road maintenance and the enjoyment of the neighborhood.
 2. Janan Hays – expressing concerns on short-term rentals and life safety requirements. Mrs. Lucas advised she had spoken with the Fire Chief and pointed out that the ZBA typically asks for his input on applications before them.
 3. Sean Sweeney – expressing concerns with short term rentals and the behavior

being exhibited by the renters and the negative effect on the neighborhood, and potential for commercial use of many properties as short term rentals.

4. Jay Wilson – expressing opposition to the use of short term rentals and use of renters on private road which crosses private property, and the changes taking place in the neighborhood.
5. Greg Strassell – concern with allowance of short term rentals on Seminole Avenue and the similar negative effects as stated by the other residents.

Mr. and Mrs. Hays were still present for this discussion. Mr. Irvine stated that these discussions are a result of neighbor's concerns but that current zoning regulations can address these problems and obnoxious use can be enforced by the PD. Though the Planning Board can discuss changes to regulations regarding short term rental, putting those into place could cause the existing short term rentals to become grandfathered uses. He said this issue is town-wide and are being addressed on a case by case basis. Mrs. Hays said they feel there may be appropriate areas in town where short term rentals could be allowed as the properties are larger and not on private roads. She said some owners are not renting to offset taxes, but purchasing for investment, only offering short term rentals. Mrs. Hays said that if the town allows for these short term rentals along Seminole Avenue, they'd be allowing commercial public use of private property. Mr. Mertz pointed out that Selectmen found a short term rental in the Village District but the way in which it was being used was permitted in that district. Relative to obnoxious use Mrs. Hays said they've called Bayside Rentals many times, or directly asked the renters on-site to stop the behavior, with no positive response. She said they typically don't call the PD. The Selectmen urged them to call the PD first as Bayside rental has no enforcement power. Mrs. Lucas said documentation with the PD for complaints on obnoxious use allows for town enforcement with the property owner and consideration during ZBA appeals. Mr. Hays asked for more police visits to the neighborhood. Mr. and Mrs. Hays left the meeting.

- Copy of letter to Mrs. Vien regarding the Selectmen's decision to award the Boston Post Cane posthumously to her mother Kathryn Rakowski, dated 3/26.
- NH EMPG Grant to provide funding of \$13,945 with a 50% match for security update, totaling \$27,890. Mr. Irvine said relative to the requirement for a drug free awareness program the town's employee assistance program satisfies that requirement per Fire Chief Drake after discussing it with the State representative from NH Homeland Security. Mr. Irvine made a motion, seconded by Mr. Denoncour that New Hampton is accepting the grant agreement terms as presented from the NH Dept. of Safety, Division of Homeland Security and Emergency Management for a grant in the amount of \$13,945. Vote was unanimous. The board initialed the grant application and agreed to come by the office on 4/1/19 for notarized signatures.
- Review of Lien Redemptions dated 3/19.
- The board discussed a candidate for LRPC's Kim Ayers Award.
- Review of photos of guardrail damage on Jackson Pond Road. PWD has put up warning cones and will replace when whether permits.
- Joint Loss Prevention Committee minutes of 3/22.

- Copy of letter to Mr. Towne, dated 3/25, re: new building permit required as structure is not finished.
- Mrs. Lucas advised she received a call from Linden Drake on 3/26, who said the roof is tarped, lumber is ordered, and someone will be replacing the roof. Appt. scheduled with Selectmen for 4/18.

OTHER BUSINESS

- Mrs. Lucas said she's drafted language for the assessing contract which is being reviewed by CNP.
- Mrs. Lucas said she spoke with the resident in Pine Meadow, advising her that the town could put up a 30 mph sign, explaining that per State law the speed limit could only be reduced to 25mph if an engineering/comprehensive study was done. The resident expressed an interest in placing signage along the road but was informed that additional signage would need the approval of Mr. Boucher to determine a location for the sign, outside of the ROW.
- The board agreed to review departmental budget status.
- Mr. Denoncour said he had visited Mountain Pond as the Precinct is finishing the work for the water supply.
- Minutes:
Mr. Mertz made a motion, seconded by Mr. Irvine, to approve the minutes of 2/7, 2/14, 2/21, 2/28 and 3/14 as written with the approval of 3/21, with the amendment being to change the Call to Order to be done by Mr. Denoncour, not Mr. Irvine as he was not present. There was no vote on the minutes of 3/21 as further clarification is needed on the Police Chief's approval for paid time off.
- Mrs. Lucas said Fire Chief Drake met with NHS, discussing the fire, the nearly completed merger with the Gordon-Nash Library, repurposing of the ARC building, remodeling of Lane Hall. The Music House will become one unit where it is presently two and 55 & 57 Main Street may be converted to one unit as NHS is looking to create larger family units for faculty. The Willingham house will become residential and the barn that burned may be converted to space for faculty or dormitory.

PUBLIC COMMENT

There was none.

ADJOURNMENT:

Mr. Mertz made a motion, seconded by Mr. Irvine, to adjourn at 9:19 pm. Vote was unanimous.

Respectfully submitted,
Pamela Vose