

CONWAY PLANNING BOARD

MINUTES

JANUARY 28, 2021

PAGES

- | | |
|---|--|
| 1 | Appointment of Alternate Member |
| 1 | Review and Acceptance of Minutes <ul style="list-style-type: none">December 10, 2020 – Adopted as written |
| 1 | Public Hearing – Zoning Amendments proposed by the Board of Selectmen <ul style="list-style-type: none">§190 – Definitions – Short-Term Rental§190 – Zoning – Attachment 2, Permitted Use Table |
| 4 | Public Hearing – Zoning Amendments proposed by the Planning Board <ul style="list-style-type: none">§190-13.B.(4)(a) – Older Home Conversions§190-13.B.(4)(b)[3]; §190-14.B.(4)(b)[3]; §190-15.B.(4)(b)[3]; §190-16.B.(4)(b)[3]; §190-17.C.(5)(b)[3]; §190-18.B.(5)(b)[3]; §190-19.B.(5)(b)[3]; §190-20.B.(5)(b)[3]; and §190-24.B.(4)(b)[3] – Accessory Dwelling Units§190-13.K.(11) – Kennels§190-13.B.(4); §190-15.B.(4); §190-16.B.(4); §190-18.B.(5); §190-19.B.(5); §190-20.B.(5); and §190-24.B.(4) – Compact Cluster Housing Developments |
| 6 | Public Hearing – Zoning Amendments proposed by petition <ul style="list-style-type: none">None |
| 6 | Other Business <ul style="list-style-type: none">Bear Hill Development, LLC/Vertex Towers, LLC (PID 219-243.1) – Request for Concurrent Site Plan and Subdivision Review |

CONWAY PLANNING BOARD

MINUTES

JANUARY 28, 2021

A meeting of the Conway Planning Board was held on Thursday, January 28, 2021 beginning at 7:03 pm at the Conway Parks & Recreation Department, Marshall Gymnasium, 176 Main Street in Conway Village, NH. Those present were: Chair, Steven Hartmann; Selectmen's Representative, Steven Porter; Secretary, Sarah Frechette; Bill Barbin; Ailie Byers; Earl Sires; Alternate, Steven Steiner; Planning Director, Thomas Irving; and Planning Assistant, Holly Meserve.

APPOINTMENT OF ALTERNATE MEMBER

Mr. Hartmann appointed Mr. Steiner as a voting member.

REVIEW AND ACCEPTANCE OF MINUTES

Mr. Porter made a motion, seconded by Ms. Byers, to approve the Minutes of December 10, 2020 as written. Motion carried with Mr. Barbin and Mr. Hartmann abstaining from voting.

PUBLIC HEARING – ZONING AMENDMENTS PROPOSED BY THE BOARD OF SELECTMEN

§190 – Definitions – The purpose of this amendment is to add a definition of Short-Term Rental as follows “Short Term Rental: The rental of a dwelling unit for periods of less than thirty (30) days, rented or offered for rent for fifteen (15) or more days in a calendar year and where the dwelling unit is not associated with commercial activities such as a hotel, motel, or bed and breakfast. This is a non-residential use. A qualified short-term rental must have a business license in good standing from the Board of Selectmen.”

Mr. Hartmann asked for Board comment; there was none.

Mr. Hartmann opened the public hearing at 7:05 pm. Mr. Hartmann asked for public comment; Shawn Bergeron stated he commends the Planning Board, the Board of Selectmen and Town Staff for tackling an unattractive item. Mr. Bergeron stated he would suggest the addition “that must be issued a certificate of occupancy” after this is a non-residential use.

Mr. Bergeron stated many or most of the structures are single family homes which do not get inspected or issued a certificate of occupancy. Mr. Bergeron stated if they are used for short term rental, they should be required to have a certificate of occupancy that demonstrates a code of compliance. Mr. Irving stated this Board did not propose this amendment; therefore, they cannot change it.

**Adopted: February 11, 2021 – As Written
CONWAY PLANNING BOARD – JANUARY 28, 2021**

Debbie Iampietro of Deerbrook Condominiums stated she does not think this is a good idea, and should be voted down. Ms. Iampietro stated our town will be overrun by investors and drive up the prices. Ms. Iampietro stated she owns a duplex, and the noise is crazy; the owner of the other unit did nothing and the Association did nothing. Ms. Iampietro stated most Associations do not want to deal with this issue.

Ms. Iampietro stated even with the regulations that go in place the hassle and stress of having to deal with different people every week is horrible. Ms. Iampietro stated this regulation does not address seasonal rentals, and they are just as much of a problem as short-term rentals. Ms. Iampietro stated these do not address shared services; if you share a septic and/or a well, they potentially abuse and put strain on your infrastructure that costs you money.

Ms. Iampietro stated short term rentals are taking away from the hotels, and these are in the same category as a hotel; and commercial entities are not allowed in the residential zone. Ms. Iampietro stated it has already been established by the zoning laws that short term rentals are not allowed; it should be kept that way for peace and quiet.

Nella Thompson stated she grew up here, and this valley has been built on tourism; without tourism we wouldn't have a Valley. Ms. Thompson stated she is also a realtor, and it is not good for the Valley to ban them out right either. Ms. Thompson stated we need to save the town; if this does not go into effect property values are going to decrease significantly. Ms. Thompson stated as to stay at hotels, they are not for all people. Ms. Thompson stated it is not a commercially zoned thing. Ms. Thompson stated you could have a bad neighbor and there is nothing you can do about it; we need to meet in the middle so it works for everyone.

Brendan Battenfelder stated short term rentals are here, and they have been here. Mr. Battenfelder stated we have been voted #1 ski resort in the Nation; we are a ski town and a vacation town. Mr. Battenfelder stated we also deserve to live in a community that is quiet and peaceful, where we can raise our families and be surrounded by respectful neighbors.

Mr. Battenfelder stated he respects those concerns if you don't get along with your neighbor. Mr. Battenfelder stated if you have to call the police every weekend that is unacceptable but, they are here; and if we choose to vote this down and not put in this definition then we divert back to the Town's original position that these are illegal uses in a residential zone.

Mr. Battenfelder stated and that will bring up to 500 cease and desist orders and there will be lawsuits. Mr. Battenfelder stated if the definition is accepted, we than have the ability to put structure in place to manage it. Mr. Battenfelder stated if we don't put the structure in place, then we will have to continue to use tools the Town has to work through those which will likely end up in Superior Court and still have no solution. Mr. Battenfelder stated allow it to be controlled; it is a reasonable step forward.

Scott Kudrick stated he was on the Short-Term Rental Committee. Mr. Kudrick stated travel has really changed over the years. Mr. Kudrick stated we have seen seasonal homes and second homes for decades in this valley; second homes started with seasonal homes being rented. Mr. Kudrick stated he would ask that Board to support to regulate and stop the problem properties.

Adopted: February 11, 2021 – As Written
CONWAY PLANNING BOARD – JANUARY 28, 2021

Mr. Hartmann closed public comment at 7:24 pm. Mr. Irving stated he has received a number of emails in regards to this topic and submitted print outs of those emails to the Board. The Board reviewed the emails.

Mr. Hartmann asked for Board comment; Mr. Sires stated one of the strengths of the packet we were presented with is if it passes it is not necessarily set-in stone; and it is something the Board of Selectmen can make modifications to.

Mr. Sires stated he is someone who believes there is an affordability impact and strain on the inventory due to short term rentals; however, he personally is not a fan of an outright ban. Mr. Sires stated he would rather see a more balanced approach to get a handle on them. Mr. Sires stated the local trades due benefit from them and if there were an outright ban on them it could have an impact on those means.

Mr. Sires stated since there is a balanced approach being taken and there is an option to make changes, this is probably the best option available to us. Mr. Sires stated he would urge the Board to support the amendment.

Mr. Steiner made a motion, seconded by Mr. Barbin, to recommend the Board of Selectmen’s proposed definition of Short-Term Rental on the warrant. Motion carried unanimously.

§190 – Zoning – Attachment 2, Permitted Use Table – The purpose of this amendment is to include Short Term Rentals as a permitted use in all zones where single-family residences are currently permitted.

Mr. Hartmann asked for Board comment; there was none. Mr. Hartmann opened the public hearing at 7:30 pm. Mr. Hartmann asked for public comment; Debbie Iampietro stated if this passes and are allowed there should be some sort of compromise; maybe only in single family houses and not ones with a shared wall such as townhouses and duplexes. Scott Kudrick asked what do you do when there are kids who live there long-term.

Wayne Beyer stated this is turning a residential area into a commercial area. Mr. Beyer stated these are commercial uses; they are making money by renting their houses short-term. Mr. Beyer stated there are fines if you don’t comply with a cease-and-desist order; the Town can collect those fees as well as attorney fees. Mr. Beyer stated if this was done with a number of people; it would get their attention and would probably cease to exist.

Brendan Battenfelder stated in regards to commercial versus residential there are six state Supreme Courts that have ruled that renting a home is a residential use. Mr. Battenfelder stated to the lawsuit factor, the Town is caught in this mess with many other Towns; the Judge will likely stay those fines or allow them to continue to rent until there is a judgement.

Mary Seavey stated she personally feels this decision does not lie with the Planning Board or the Board of Selectmen, but with the legislative body. Ms. Seavey stated this should be on the warrant for the legislative body to make the decision.

Adopted: February 11, 2021 – As Written
CONWAY PLANNING BOARD – JANUARY 28, 2021

Mr. Hartmann closed public comment at 7:44 pm. **Mr. Porter made a motion, seconded by Ms. Byers, to recommend the Board of Selectmen’s proposed amendment to §190- Zoning – Attachment 2, Permitted Use Table on the warrant. Motion carried with Ms. Frechette voting in the negative.**

PUBLIC HEARING – ZONING AMENDMENTS PROPOSED BY THE PLANNING BOARD

§190-13.B.(4)(a) – Older Home Conversions – The purpose of this amendment is to make the “Older Home” provision in the residential agricultural district consistent with that in the other districts and renumber the ordinance accordingly. Mr. Irving stated this amendment will make it consistent with the other districts.

Mr. Hartmann asked for Board comment; there was none. Mr. Hartmann opened the public hearing at 7:50 pm. Mr. Hartmann asked for public comment; there was none. Mr. Hartmann closed public comment at 7:50 pm.

Mr. Porter made a motion, seconded by Mr. Hartmann, to recommend the proposed amendment to §190-13.B.(4)(a) – Older Home conversions to the warrant as written. Motion carried unanimously.

§190-13.B.(4)(b)[3]; §190-14.B.(4)(b)[3]; §190-15.B.(4)(b)[3]; §190-16.B.(4)(b)[3]; §190-17.C.(5)(b)[3]; §190-18.B.(5)(b)[3]; §190-19.B.(5)(b)[3]; §190-20.B.(5)(b)[3]; and §190-24.B.(4)(b)[3] – Accessory Dwelling Units – The purpose of this amendment is to remove the requirement that either the primary or accessory dwelling unit be occupied by the owner and renumber the ordinance accordingly.

Mr. Hartmann asked for Board comment; there was none. Mr. Hartmann opened the public hearing at 7:51 pm. Mr. Hartmann asked for public comment; Josh Brustin asked if a second home owner who only comes on weekends could still rent the accessory dwelling unit as a long-term rental. Mr. Irving stated the current regulation requires one of the units to be owner occupied, this amendment will allow them to rent both units. Mr. Brustin stated which opens up more long-term rentals, which is great.

Mr. Hartmann closed public comment at 7:57 pm. **Mr. Barbin made a motion, seconded by Ms. Byers, to recommend the proposed amendment to §190-13.B.(4)(b)[3]; §190-14.B.(4)(b)[3]; §190-15.B.(4)(b)[3]; §190-16.B.(4)(b)[3]; §190-17.C.(5)(b)[3]; §190-18.B.(5)(b)[3]; §190-19.B.(5)(b)[3]; §190-20.B.(5)(b)[3]; and §190-24.B.(4)(b)[3] – Accessory Dwelling Units to the warrant as written. Motion carried unanimously.**

§190-13.K.(11) - Kennels – The purpose of this amendment is to repeal the special exception for kennels in the residential agricultural district and renumber the ordinance accordingly.

Mr. Hartmann asked for Board comment; Mr. Hartmann asked if there are any existing kennels that would be affected by this amendment. Mr. Irving answered the Conway Area Humane Society; they would end up becoming grandfathered.

**Adopted: February 11, 2021 – As Written
CONWAY PLANNING BOARD – JANUARY 28, 2021**

Mr. Hartmann opened the public hearing at 7:59 pm. Mr. Hartmann asked for public comment; Tracy McCarthy stated this seems to be tightly written and asked why it was being proposed to be removed. Mr. Steiner stated there was a request before the Zoning Board of Adjustment and there was an uproar with the neighbors.

Ms. McCarthy stated it seems perfectly legitimate. Mr. Irving stated it was felt that there was not adequate protection for the adjacent property owners. Ms. McCarthy suggested strengthening the ordinance rather than removing it.

Mr. Hartmann closed public comment at 8:07 pm. **Mr. Steiner made a motion, seconded by Mr. Hartmann, to post the proposed amendment to §190-13.K.(11) – Kennels to the warrant as written. Motion defeated with Ms. Frechette, Mr. Steiner and Mr. Porter voting in the affirmative and Mr. Barbin, Mr. Sires, Ms. Byers and Mr. Hartmann voting in the negative.**

§190-13.B.(4); §190-15.B.(4); §190-16.B.(4); §190-18.B.(5); §190-19.B.(5); §190-20.B.(5); and §190-24.B.(4) – Compact Cluster Housing Developments – The purpose of this amendment is to encourage the development of smaller single family detached dwellings and enhance residential housing choices in Conway; and renumber the ordinance accordingly.

Mr. Hartmann asked for Board comment; Ms. Frechette asked if this is to develop existing smaller detached single-family dwellings or develop non-existent smaller detached single-family dwellings. Mr. Sires stated it is the development of new smaller units and increase the density on a piece of land. Mr. Sires stated it is for the development of 300 to 800 square foot units to be used for employee or transition housing, or retirement or downsizing housing. Mr. Sires stated doubling the density to gain twice as many units.

Mr. Porter stated there are no stipulations of having to be owner-occupied or used as a short-term rental; to build housing stalk there is no cap dollar amount. Mr. Porter stated housing stalk is needed, but the way it is written the younger will be missed because it is either too expensive or not big enough for families. Mr. Sires stated the provision prohibits short-term rentals; it is to be used for long term rentals.

Mr. Steiner asked if it has to be on municipal water and sewer. Mr. Sires answered in the affirmative. Mr. Barbin stated he agrees there is a lot of good intent, but 800 square feet is almost substandard. Mr. Barbin asked how many actual parcels of land with municipal water and sewer is available. Mr. Sires stated these are smaller units, and this is not going to solve the housing in this area, but it is another option that a business could use to construct employee housing.

Mr. Hartmann opened the public hearing at 8:19 pm. Mr. Hartmann asked for public comment; Shawn Bergeron stated compliments to Mr. Sires for tackling this; the reality is, having gone through the code writing process, they are seldom done correct the first time. Mr. Bergeron stated this is a good opportunity to get started.

**Adopted: February 11, 2021 – As Written
CONWAY PLANNING BOARD – JANUARY 28, 2021**

Mr. Bergeron stated these are working successfully in other communities, and they need to be on municipal water and sewer. Mr. Bergeron stated the best thing is to support with the understanding that it is probably not going to be perfect; over a period of time, improvements will need to be made, but it is a good place to start.

Harrison Kanzler with the MWV Housing Coalition stated he supports this ordinance. Mr. Kanzler stated it does have room for improvement, but it is a good starting place. Mr. Kanzler stated we do have time to improve on and make it better. Mr. Hartmann closed public comment at 8:26 pm.

Mr. Hartmann asked for further Board comment; Mr. Hartmann stated he does have some concerns, and it comes down to cost. Mr. Hartmann stated limiting the building size is not always the answer. Mr. Hartmann stated we need to start looking at ways to put a cap on long-term costs; it will go a lot further. Mr. Sires stated he agrees that this does need improvements to really maximize what this could do.

Mr. Hartmann made a motion, seconded by Mr. Steiner, to post the proposed amendment to §190-13.B.(4); §190-15.B.(4); §190-16.B.(4); §190-18.B.(5); §190-19.B.(5); §190-20.B.(5); and §190-24.B.(4) – Compact Cluster Housing Developments to the warrant as written. Motion defeated with Mr. Sires and Ms. Byers voting in the affirmative and Mr. Barbin, Ms. Frechette, Mr. Steiner, Mr. Hartmann and Mr. Porter voting in the negative.

PUBLIC HEARING – ZONING AMENDMENTS PROPOSED BY PETITION

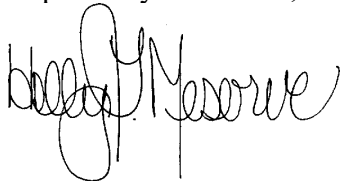
There were no proposed petitioned articles.

OTHER BUSINESS

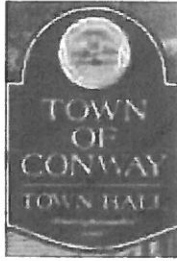
Bear Hill Development, LLC/Vertex Towers, LLC (PID 219-243.1) – Request for Concurrent Site Plan and Subdivision Review: Mr. Hartmann made a motion, seconded by Mr. Steiner, to grant the request by Bear Hill Development, LLC/Vertex Towers, LLC for a concurrent site plan and subdivision review. Motion carried unanimously.

Meeting adjourned at 8:53 pm.

Respectfully submitted,



Holly L. Meserve
Planning Assistant



Town of Conway

December 31, 2020

Planning Board
Town of Conway

Dear Honorable Board,

On December 15, 2020, during their regular meeting, the Board of Selectmen voted to place the following two articles on the town warrant for 2021:

- 1.a. **To see if the Town will vote to amend Chapter 190 (zoning) to include the following definition in §190-31 Definitions: "Short Term Rental: The rental of a dwelling unit for periods of less than thirty (30) days, rented or offered for rent for fifteen (15) or more days in a calendar year and where the dwelling unit is not associated with commercial activities such as a hotel, motel, or bed and breakfast. This is a non-residential use. A qualified short-term rental must have a business license in good standing from the Board of Selectmen."**
- 1.b. **To see if the Town will vote to amend Chapter 190 (zoning) by amending Attachment 2 - Permitted Use Table to include Short Term Rentals as a permitted use in all zones where single-family residences are currently permitted.**

The Board of Selectmen would appreciate your recommendation to pass these articles so that we can license and regulate short term rentals in the town and address the many issues that have arisen regarding these properties over the past several years.

Sincerely,

A handwritten signature in black ink, appearing to be "TH" or similar initials.

Thomas Holmes, Town Manager

tirving@conwaynh.org

From: Emily Tebbetts <emilytebbetts@gmail.com>
Sent: Wednesday, January 27, 2021 3:39 PM
To: Tirving@conwaynh.org; tholmes@conwaynh.org
Subject: Expressing my support of STRs in Conway

Hello!

My husband and I own a home on W side road in N Conway. We cannot attend the meeting this week, so I wanted to write in to express my support for legal short term rentals in Conway with regulations that respect and support the well-being of Conway residents.

Thanks so much!

Emily Tebbetts and Joe Martorelli

Sent from my iPhone=

From: Matthew Collard <mcollard12188@gmail.com>
Sent: Wednesday, January 27, 2021 6:14 PM
To: tirving@conwaynh.org
Subject: Short Term rentals

Good evening,

I am voicing my concerns over the towns interest in trying to regulate short term rentals.

Conway has been a place and community that welcomes everyone from all over the world. A place that thrives on tourism. A place that has a quaint New England town feel with all the modern amenities.

Regulating and essentially restricting what is allowed in the town for housing is a dangerous game to play, in my opinion.

NH motto is Live Free or Die. Why is it now okay to tell people what they can or cannot do on their property.

People want a variety to choose from. They want to be able to get their entire family together in one place that is not in a hotel. They want to have the ability to freely choose where to stay.

By regulating this, you hurt those property owners from being able to list their homes for bigger families.

Bigger families tend to bring more income. More \$\$ for restaurants and more money for attractions. This is what keeps the economy stimulated.

There is not going to be enough manpower to equally regulate this and therefore it will turn to discrimination on some account.

Trust that people will rent it properly and trust in the people who have been renting to travelers like this for decades.

Too much regulation is not good for a stable and strong economy.

From: Deirdre Pierotti <thetfordvacationrental@yahoo.com>
Sent: Wednesday, January 27, 2021 7:44 PM
To: tirving@conwaynh.org; tholmes@conwaynh.org
Subject: Short Term Rental in Conway

Mr. Irving and Mr. Holmes:

We are writing to you today in support of short term rental allowance, with whatever regulations the town and planning board feels is necessary to maintain what makes Conway so special.

After many years of coming to the area to hike, ski, and relax, last year we were finally able to make our dream of owning a home here a reality. Since we are not in the financial position to simply own a second home, we made this purchase with the understanding that we would be allowed to rent it out; at least until the time comes when we are able to move here permanently. If short term rentals were to be banned, we will most likely be forced to put our home up for sale.

While we can appreciate the concern of some, we have done all we can to both ensure the safety of our guests as well as to be respectful of our neighbors. Upon purchasing our home, we immediately replaced all of the smoke and carbon dioxide detectors, have gradually added new requirements to our guest welcome letter based on our home association's changing by-laws (i.e. "outdoor gathers will end by 11pm"), exchanged contact information with several neighbors, and frequently check in with those neighbors to be sure that our guests are being considerate.

Our goal is to become a part of this community, to be responsible homeowners, and to continue to support the valley by employing local businesses and sharing a list of area resources with our guests. It is our guests who are frequenting restaurants for dine-in and take-out, using local ski resorts and visiting the shops and outlets in the area.

We are in favor of regulations that keep all rental property owners in compliance and hope that the planning board will support this amendment so that the select board can put these regulations in place.

Kindly,

Jay & Deirdre Pierotti
(401) 486-2392

tirving@conwaynh.org

From: Molly Kammerer <seacoastmoves@gmail.com>
Sent: Thursday, January 28, 2021 9:07 AM
To: tirving@conwaynh.org
Cc: Carl Kammerer; Molly Kammerer
Subject: Change request on short term rentals regulations

Hi Tom,

I am coming late to the party, but see that there is a short-term rental discussion on your schedule for this evening.

We have a single-family short-term rental in a lovely neighborhood and have been renting in the valley for the last 8.5 years. We purchased a bank-owned property that was extremely worn out and the exterior was overgrown with large bushes and trees. Over the years we have painted the exterior and completely updated the property in such a way that the HOA has complimented us on our exterior improvements. The only way we were able to make these improvements (hiring local cleaning ladies, updating the landscape, replacing the water line with local contractors) was by renting the place out on a short-term basis.

I fear that if the definition, as recommended, that I saw in the Conway Daily Sun would cause issues with our rental and several other short-term rentals within the valley. I am open to much of the article as agreed to by the BOS although I think a noise ordinance would be more appropriate, but if the STR regulations are voted in, I believe the definition noted in paragraph I.A may cause issues. I see that presently it includes the statement: "This is a non-residential use." I would note that sleeping and eating at a residence is inherently "residential". I believe this will cause confusion and create a litigious community. I would recommend striking "This is a non-residential use." from the definition.

I will follow up with a call, but could you confirm receipt of this public comment?

Thank you,

Molly
603-799-1185

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Mary (nickname: Molly) Kammerer
Realty Specialist, Lands
National Park Service
Interior Region 1, North Atlantic - Appalachian
115 John Street, 5th Floor
Lowell, MA 01852

office: (978) 970-5261
cell: (978) 221-8568
Mary_Kammerer@nps.gov

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From: Peter Plourde <peterplourde777@gmail.com>
Sent: Thursday, January 28, 2021 9:10 AM
To: Tirving@conwaynh.org
Subject: good morning

We currently own property on Forbes Drive in Conway, we did buy it as a retirement investment to use part-time and to short term, rent to help us pay for it. When we bought the property it was in disrepair and an eyesore complained about by neighbors because it was a long term rental. The renters would leave trash in the yard, and allowed it to get infested with mice.

The previous owners had an illegal apartment in the basement and were using the property as an up and down duplex.

Besides the trash and mice mess, it needed a new roof, hadn't been painted outside ever, and has never been landscaped. It was terrible.

We immediately upon purchasing the property invested our time and money to get the property to a level that we could short term rent it. This included the following.

- New Metal Roof cost \$24,000
 - New front step overhang put in for snow diversion cost \$2500
 - Painted the exterior, cost \$10,000
 - Removed the illegal stove plug in the basement and removed the ability to rent it as a unit, which cost \$350
 - Finished the basement into an enjoyable game room, new flooring, new fixtures, paint, etc. cost of \$5000
- So our total investment into the property just to get it to a level of satisfaction and guest appreciation was \$41,850. Now our home is not longer the eyesore it was and is a space that our guest can enjoy.

We manage this property from our home in Bartlett, and we ensure that every guest gets a 5-star clean property, I can assure you to do this you have to keep both the inside and outside of the property incredibly clean and in good repair. We have replaced toilets over the years, and faucets, and we pay our cleaners \$30 dollars an hour to clean it. We spend money with local tradesmen quite frequently helping them earn a living.

We agree with some regulation but we don't agree with basing this off a few bad owners, we are very conscious of being good neighbors and would do everything in our power to screen our guests and monitor their visits as to not upset our neighbors.

We appreciate you reading this email and hope you will present this at your meeting tonight. One last thing this home generated approximately \$75,000 in gross rent last year, which we pay a 9% lodging tax to the state of NH. This is \$6,750 in taxes besides our town tax. This money would not be collected if this was a long term rental, and if we couldn't short term rent this home we would not long term rent it we would be forced to sell it. We have been landlords before and it is not enjoyable to have tenants destroy your property.

Thank you again for listening.

Julia and Peter Plourde

From: Thomas Holmes <tholmes@conwaynh.org>
Sent: Thursday, January 28, 2021 9:32 AM
To: TOM IRVING
Subject: Fwd: short term rentals

Latest

----- Forwarded message -----

From: **Peter Plourde** <peterplourde777@gmail.com>
Date: Thu, Jan 28, 2021 at 9:10 AM
Subject: short term rentals
To: <Tholmes@conwaynh.org>

We currently own property on Forbes Drive in Conway, we did buy it as a retirement investment to use part-time and to short term, rent to help us pay for it. When we bought the property it was in disrepair and an eyesore complained about by neighbors because it was a long term rental. The renters would leave trash in the yard, and allowed it to get infested with mice.

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Thank you again for listening.

Julia and Peter Plourde

From: Michael D Powell <mdpowell@dmpowell.net>
Sent: Thursday, January 28, 2021 9:40 AM
To: tirving@conwaynh.org
Subject: Short-term rentals

I am writing to the town planner and planning board in support of short-term rentals in Conway.

My family and I have been visiting Conway and the Mt. Washington Valley since 2005 because we enjoy the outdoor recreation, shops, and community. We stayed in local hotels for years, then transitioned to renting homes short-term after significant price increases at our favorite hotel. Four years ago we decided to purchase a home for our own use. We now rent our own home in part to cover expenses and in part to avoid maintenance issues that can be caused by a vacant house.

Renting our home generated an average of \$2000 per year in Meals & Rentals Tax from 2018-2020 in addition to our property taxes, which increased by almost 20% in 2019. In 2019, we spent over \$20,000 with local contractors and businesses to make home improvements that were specifically motivated by our rentals.

I support reasonable regulations of short-term rentals as long as those regulations serve a purpose other than creating barriers to renting. For example, the proposal to require scale drawings of the house as opposed to a simple sketch seems mainly to serve as an expense and deterrent to owners. The tortured legal argument that short-term rentals are already prohibited also seems constructed to ease barrier creation.

As an owner, I want to be notified if there are issues with my home because I do not want problem renters. But rules should apply to everyone. The loudest parties and most on-street parking in my neighborhood come from full-time residents.

Responsible short-term rentals contribute significantly to Conway's economy in a year where we all want to begin recovering from the effects of the pandemic.

Sincerely,

Michael D. Powell

tirving@conwaynh.org

From: Thomas Holmes <tholmes@conwaynh.org>
Sent: Thursday, January 28, 2021 10:00 AM
To: TOM IRVING
Subject: Fwd: Legalizing STR's

----- Forwarded message -----

From: John Elliott <svpm1@hotmail.com>
Date: Thu, Jan 28, 2021 at 9:41 AM
Subject: Legalizing STR's
To: Tholmes@conwaynh.org <Tholmes@conwaynh.org>

Hi Tom,

John Elliott here, I am unable to attend the meeting tonight to vote on legalizing short term rentals in The town of Conway due to quarantine.

I would like to voice my concern here to you. As you are aware the town functions on tourism and to restrict property owners on their ability to rent their property as short term rentals would affect the town economy in many negative ways.

I hope this email provides my concerns as a vote to legalize short term rentals.

I also believe the unruly properties that receive Complaints should be held accountable for their renters.

Three strike rule 3 violations should result in a suspension to rent short term.

Thank you Tom for your time and all you do for our town of Conway.

Thank you,
John Elliott

Black bear realty

DBA Saco valley property maintenance

<https://www.oplc.nh.gov/real-estate-commission/documents/brokerage-relationship-disclosure-form.pdf>

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tirving@conwaynh.org

From: Thomas Holmes <tholmes@conwaynh.org>
Sent: Thursday, January 28, 2021 10:01 AM
To: TOM IRVING
Subject: Fwd: Expressing my support of STRs in Conway

----- Forwarded message -----

From: **Emily Tebbetts** <emilytebbetts@gmail.com>
Date: Wed, Jan 27, 2021 at 3:38 PM
Subject: Expressing my support of STRs in Conway
To: <Tirving@conwaynh.org>, <tholmes@conwaynh.org>

Hello!

My husband and I own a home on W side road in N Conway. We cannot attend the meeting this week, so I wanted to write in to express my support for legal short term rentals in Conway with regulations that respect and support the well-being of Conway residents.

Thanks so much!

Emily Tebbetts and Joe Martorelli

Sent from my iPhone

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tirving@conwaynh.org

From: karenrennie@easternslopeinn.com
Sent: Thursday, January 28, 2021 10:37 AM
To: tirving@conwaynh.org; tholmes@conwaynh.org
Cc: krennie2@gmail.com
Subject: Noise Ordinance and Short Term Rentals

Good morning,

My husband and I live at 212 Seavey St., North Conway. We have small short-term rental. Our guests spend a ton of money in the village and at the outlets. I've seen them loading up their cars with shopping bags! We have the Spruce Moose lodge and short-term rentals all around us and have never had a problem. Not one. We have had issues with one neighbor who owns his home and has his son and three grandkids living with them.

I disagree with having to obtain a local business license as we already have a State of NH license and pay 9% tax on our rentals. What is the purpose of a local license? Cannot the state records be accessed for a list/inventory of short-term renters?

I disagree with the fund of \$50,000. What is the long-term goal and management objectives? Will this make for quieter, safer, better community? Who will enforce the rules? Are you planning on doing safety inspections? I would rather see the funds directed to help create affordable housing.

I do whole-heartedly agree with the noise ordinance. I suggest 11pm to 8am weekends/holidays and 10pm to 7am weekdays. Please add leaf blowers to your list of tools. The grandfather mentioned above was actually using it to remove snow from his car the other day. Pretty funny but loud.

Thank you very much for your time.

Sincerely,

Karen Rennie
Cell: 617-875-9286

From: Thomas Holmes <tholmes@conwaynh.org>
Sent: Thursday, January 28, 2021 10:51 AM
To: TOM IRVING
Subject: Fwd: STR's legalizing

----- Forwarded message -----

From: John Elliott <svpm1@hotmail.com>
Date: Thu, Jan 28, 2021 at 10:26 AM
Subject: STR's legalizing
To: Tholmes@conwaynh.org <Tholmes@conwaynh.org>

Hi Tom,
John Elliott here I'm hoping that this note finds you well.
I'm currently in quarantine due to Covid, I would like to attend tonight's meeting on the topic of legalizing short term rentals.
I know you've heard all sides of this topic.
I would like this note to be my vote to legalize short term rental in the town of Conway.
I've relied heavily on the income from the tourism in this town on my lively hood as a property maintenance/management based business the short term property owners look to people such as my self to maintain these second homes and investment properties to have places for family to come and vacation outside of a hotel room. A lot of these renters. Love the valley so much they eventually want to buy and live up here which only helps our economy with trades man work, town taxes and local Restaurants and shops.
So in short to not allow STR's to continue to operate would be a devastating hit to our local economy in my opinion.
So my vote as a local business owner is to legalize Short term rentals.
Thank you Tom for all time and all you do for our town of Conway NH

Thank you,
John Elliott

Black bear realty

DBA Saco valley property maintenance

<https://www.oplc.nh.gov/real-estate-commission/documents/brokerage-relationship-disclosure-form.pdf>

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From: Chad Fletcher <CFletcher@bluewatermtg.com>
Sent: Thursday, January 28, 2021 1:36 PM
To: tirving@conwaynh.org; tholmes@conwaynh.org
Cc: Chad Fletcher
Subject: short term rentals - -donotencrypt

Hi Tom & Tom

I wanted to send a quick email with my thoughts on the STR's as I can't make the meeting tonight.

I have owned a 2nd home in north Conway since 2008. My family uses the house every weekend in the winter as we love skiing in the valley.

I am fortunate enough where I don't need to rent my house to offset carrying cost but banning STR's seems a bit extreme. I pay taxes, I keep up with property maintenance and every time I am in the valley I do my best to support local business'.

Although I don't live in the valley full time I do consider myself a valuable asset in the MWV community.

I am for putting in a plan where home owners can rent (short or long term) as long as they abide by "**reasonable guidelines**". Banning STR's in the valley would crush the local economy and certainly the vibe it gives off. I remember coming to

North Conway to watch the Volvo tournament with my father. As a young kid I thought it was the best place in the world. 30-40 years later I still can't enough so I consider myself lucky for being exposed to the valley at such a young age.

STR's will allow the next generation of kids the opportunity to feel what I felt as a young boy.

I hope everyone involved with this decision can come together and put forth a "reasonable plan" so the locals & visitors can enjoy the Valley and keep the vibe alive!

Thanks for your time.



Chad Fletcher NMLS # 311097

Loan Officer / Vice President

Blue Water Mortgage Corp. NMLS # 1291

7 Merrill Industrial Drive Hampton, NH 03842

Direct: 603-758-1688 | Cell: 603-591-6582

Fax: 603-926-9694

[Blue Water Website](#)

[Chad's Client Reviews](#)

[Client Testimonials](#)

[Online Application](#)

tirving@conwaynh.org

From: Thomas Holmes <tholmes@conwaynh.org>
Sent: Thursday, January 28, 2021 2:47 PM
To: TOM IRVING
Subject: Fwd: Noise Ordinance and Short Term Rentals

----- Forwarded message -----

From: <karenrennie@easternslopeinn.com>
Date: Thu, Jan 28, 2021 at 10:37 AM
Subject: Noise Ordinance and Short Term Rentals
To: <tirving@conwaynh.org>, <tholmes@conwaynh.org>
Cc: <krennie2@gmail.com>

Good morning,

My husband and I live at 212 Seavey St., North Conway. We have small short-term rental. Our guests spend a ton of money in the village and at the outlets. I've seen them loading up their cars with shopping bags! We have the Spruce Moose lodge and short-term rentals all around us and have never had a problem. Not one. We have had issues with one neighbor who owns his home and has his son and three grandkids living with them.

I disagree with having to obtain a local business license as we already have a State of NH license and pay 9% tax on our rentals. What is the purpose of a local license? Cannot the state records be accessed for a list/inventory of short-term renters?

I disagree with the fund of \$50,000. What is the long-term goal and management objectives? Will this make for quieter, safer, better community? Who will enforce the rules? Are you planning on doing safety inspections?

I would rather see the funds directed to help create affordable housing.

I do whole-heartedly agree with the noise ordinance. I suggest 11pm to 8am weekends/holidays and 10pm to 7am weekdays. Please add leaf blowers to your list of tools. The grandfather mentioned above was actually using it to remove snow from his car the other day. Pretty funny but loud.

Thank you very much for your time.

§190-13 B. Lot size and density.

(4) Special exceptions.

(a) In order to preserve and safeguard Conway's older homes, but also allow for their conversion to multifamily dwellings, the Zoning Board of Adjustment may grant special exceptions for residential structures and accessory structures on the same ~~conforming~~ lot, provided that:

- [1] Substantially all of the structure was constructed prior to 1930.
- [2] ~~Modification of the interior does not exceed four units~~ The total number of dwelling units on the site does not exceed four (4).
- [3] No less than 5,000 square feet of land area must be provided on the parcel for each unit that exists or is to be constructed thereon.
- [4] ~~[3]~~ No significant changes to the exterior lines or architectural detail are made which would diminish the historical or architectural heritage of the structure.
- [5] ~~[4]~~ Adequate area is available for parking and sewage disposal outside the setback and buffer areas.
- [6] ~~[5]~~ Accessory structures must have at least 300 square feet of living occupiable space per unit suitable for conversion to a dwelling unit ~~and not conflict with the purpose and intent of this section.~~
- [7] All of the dwelling units shall be used for long-term residency; short-term transient occupancies of less than 30 consecutive days of any dwelling unit is prohibited.
- [8] Scaled floor plans and a scaled site drawing must be submitted to the Zoning Board time of application to ensure compliance with the requirements for this special exception.

§190-13 B (4)

(b) In order to help provide year-round rental housing, the Zoning Board of Adjustment may grant a special exception for one accessory dwelling unit as an accessory use to a single-family dwelling on any size lot, subject to the following conditions:

- [1] The accessory dwelling unit is designed to ensure architectural compatibility with the neighborhood.
- [2] Sufficient parking is located on site.
- [3] ~~Reserved. The owner shall be the full-time occupant of either the primary single-family dwelling or the accessory dwelling unit.~~
- [4] Both the primary single-family dwelling and the accessory dwelling unit shall be used for long-term residency, and short-term transient occupancy of either dwelling unit is prohibited.

These amendments also apply to the following Zoning Districts/sections:

Residential/Agricultural	§190-13.B.(4)(b)[3]
Center Conway Village Residential	§190-14.B.(4)(b)[3]
Conway Village Residential	§190-15.B.(4)(b)[3]
North Conway Village Residential	§190-16.B.(4)(b)[3]
Center Conway Village Residential	§190-17.C.(5)(b)[3]
Conway Village Residential	§190-18.B.(5)(b)[3]
North Conway Village Commercial	§190-19.B.(5)(b)[3]
Highway Commercial	§190-20.B.(5)(b)[3]
Recreational Resort	§190-24.B.(4)(b)[3]

190-13 K.

(11) ~~Reserved. Kennels. A special exception may be granted to permit kennels for transient (fewer than 30 days) housing of domestic animals or commercial breeding facilities for domestic animals, provided that:~~

~~(a) The minimum lot size is two acres.~~

~~(b) Animal housing areas, if indoors, shall be set back 40 feet from side and rear property lines and 60 feet from rights-of-way. Pastures/Outdoor exercise areas shall be set back 15 feet from any property line.~~

~~(c) A written plan for the disposal/removal of animal waste must be submitted along with the application requesting the special exception from the Zoning Board of Adjustment. This plan must be approved by the Board as a condition of the special exception approval, if granted.~~

~~(d) All animals shall be kept in an indoor area between the hours of 6:00 p.m. and 8:00 a.m.~~

The following amendment would be added to the Special Exception provisions in sections §190-13. B. (4), §190-15. B. (4), §190-16. B. (4), §190-18. B. (5), §190-19. B. (5), §190-20. B. (5) and §190-24. B. (4).

In order to encourage the development of smaller single family detached dwellings and enhance residential housing choices in Conway, the Zoning Board of Adjustment may grant a special exception for compact cluster housing developments under the following conditions:

1. All dwelling units shall be in single family detached structures;
2. All dwelling units shall be served by municipal water and sewerage;
3. All dwelling units shall have a floor area of not less than 300 square feet nor greater than 800 square feet;
4. All dwelling units shall be used for long-term residency, and short-term transient occupancy of any dwelling unit is prohibited;
5. The minimum lot size shall be $\frac{1}{4}$ acre for the first unit and 5,000 square feet for each additional dwelling unit on a lot;
6. The minimum frontage for any lot shall be 75 feet, and
7. This special exception shall not be combined with any other special exception, including but not limited to the special exceptions for accessory dwelling units.

tirving@conwaynh.org

From: Francis D. Parisi <fparisi@plapc.com>
Sent: Tuesday, January 26, 2021 2:29 PM
To: tirving@conwaynh.org
Cc: Holly Meserve; 'Jacqueline White'
Subject: Vertex Towers LLC / Wireless Communications Facility / Artist Falls Road, (North) Conway, NH / REQUEST FOR CONCURRENT REVIEW

Tom:

As we discussed, I am putting together an application for Site Plan Review for the above referenced project.

It is my understanding we will also need to file a Subdivision Application.

I intend to have both applications in on Monday, Feb 1 for discussion at the February 25 Planning Board meeting.

We would respectfully request that the Planning Board / Planning Department conduct a CONCURRENT REVIEW of both applications.

Please let me know if there is anything else I need to do in this regard.

Thank you,

Fran Parisi
(401) 447-8500