

OSSIPEE PLANNING BOARD
Workshop Meeting Minutes
December 5, 2023

Minutes have been recorded for the convenience of summarization by Laura Nash, Boards & Commissions Secretary and are deleted once the minutes are board approved; any amendments to the minutes are noted in ***bold & italic*** type.

Call to Order: Sharon “Sharie” Cohen, Chairman called the Special Meeting to order at 7:00 PM and requested all cellphones to be silenced.

Pledge of Allegiance: Was recited by all in attendance.

Roll Call: Sharon “Sharie” Cohen, Chairman, Ash Fischbein, Brian Ames, Roy Barron and Krystal Eldridge,

Absent: Bruce Stuart, Vice Chairman

Work Session

Chairman Sharon “Sharie” Cohen called the Work Session to order.

SHORT-TERM RENTALS: A single family dwelling or portion thereof designed for short-term residential occupancy of less than 30 consecutive days and must comply with short-term rentals zoning ordinance requirements in Article: ??.

Fischbein suggested to table the discussion for Short Term Rental definition until the Board has a chance to review the ordinances from other towns. Fischbein explained the ordinances he highlighted for the Board to review for discussion.

Chairman Cohen submitted a draft version of the ordinance for discussion.

Fischbein addressed the issue of requiring STR’s to obtain Site Plan Review approval. After a brief discussion with the Zoning Officer; all agreed that would be excessive and the Board is looking to keep the ordinance simple.

The Board first address the issue on the number of people allowable. Referring to complaints from neighbors to one property advertising sleeps 20 every weekend during the summer.

K, Eldridge referred to Chairman Cohen’s draft ordinance concerning the number of guest allowed as follows:

5. Guests must comply with town ordinances and state laws at all times.
6. Number of guests shall be limited by the number of bedrooms as determined by the Town Tax Card and NHDES approved septic design, maximum limit of (2) people per bedroom plus (2) extra guests per house. ~~must correspond with the Town tax card and State bedroom/septic laws.~~

Fischbein addressed life safety concerns of houses with basement apartments and having no adequate egress for escape during a fire. J. Smith noted part of the inspection process would include having adequate egress, smoke detectors, carbon monoxide detectors, fire extinguishers, hand rails, and railings prior to issuing a permit. Fischbein also spoke of what other towns are requiring for safety inspection, i.e.. North Conway is requiring all STR’s to have egress windows large enough for a fireman and wearable gear to adequately fit through a window. J. Smith noted that would be a 5.7 sq. ft. opening or a 35 in. x 24 in. opening which is according the building code for egress windows. But if you have an existing home, that existing home will

not have compliant size egress windows. Discussion ensued over adding into the STR ordinance that all egress windows must comply with the IBC – building codes but the Board agreed that this would be excessive and their trying to be sympathetic and respectful to all parties.

Chairman Sharon “Sharie” Cohen moved to discuss Permitting:

Barron stated he’s against permitting. But he was alone in that decision. Jonathan Smith commented that if the Board is not going to require permitting then there’s no sense in creating an ordinance.

Chairman Sharon “Sharie” Cohen suggested having a page on the Town’s website dedicated to short term rentals to include, zoning districts, the zoning ordinance, permit application, cost, and any other documents pertaining to STR’s. The permit will be called Short Term Rental Permit.

Barron questioned if the older homes that are not necessarily compliant with today’s codes; would they be “grandfathered” or would they need to be brought up to today’s building code standards. Jonathan Smith suggested the ordinance state, “ as determined by the Town tax card and/or approved septic design.”

Chairman Sharon “Sharie” Cohen moved to read and discuss the Enforcement and Fines section.

The owner of any **unpermitted unregistered** Short-Term Rental unit will be fined as follows starting [date]:

First offense: Written warning

Second offense: After allowing 10 days for **permitting registration** since receipt of notice of first offence: \$100

Third offense: After allowing 10 days for **permitting registration** since receipt of notice of second offense: \$500

Additional offenses: After allowing 10 days for **permitting registration** since 3rd offense: \$1,000 per 10-day period.

Discussion ensued over the meaning of 10 – days for registration and the members were referred to the ordinance for Lincoln, NH. Fischbein and Smith both noted for clarity that registration should be **permitting**, because if they are receiving a violation their not registered.

Fischbein commented that the homeowner of a Short Term Rental unit must provide proof of a current NH Rooms and Meals Tax license number. Fischbein referred to Freedom’s Article under 1503.1.6 and suggested adding “Permits are not transferable. If the property is sold, the new owner shall obtain a permit before any STR occur on the property.” Discussion ensued over having them non-transferrable verses letting the permit expire on it’s own. Jonathan Smith explained that logistically since the permitting will take place through AVITAR system it’s easier to close out one permit and issue a new one for a new owner.

Jonathan Smith referred to the draft STR from Chairman Cohen under Terms: #5 requiring a Special Exception and inquired if there would be a restriction to some zones. Jonathan Smith advised not to restrict some zones.

~~“Special Exceptions/ In those districts where a short-term rental is allowed by special exception, the property owner shall obtain a special exception prior to the issuance of a permit to operate a short-term rental.”~~

After discussion the Board agreed to amend the **Table of Uses** by placing STR’s under **Article: 34.6 ACCESSORY USES** (See also Article XXXV, Section 35.6) Section (h) and Permitted in all zones.

Chairman Cohen referred to adding from Jackson’s STR Ordinance:

4.4.2 “Responsibilities of Short Term Rental Owner

- 4.4.2.1 Removal of trash.
- 4.4.2.2 Ensuring that all parking of vehicles is on site;
- 4.4.2.3 Ensuring that occupancy limits are not exceeded;
- 4.4.2.4 Any other site-specific conditions imposed as part of the approval.”

Jonathan Smith queried if there are 4 couples staying at an STR and each couple brought a vehicle but there's only parking for two vehicles how can the Board require Section 4.4.2.2 that all vehicles must park on site. If the guest are blocking the flow of traffic the police department can address that issue. The Board discussed by eliminating excessive occupancy and limiting it to (2) guest per bedroom, plus (2) extra guest according to the tax card and approved septic design this would alleviate the extra cars and the placement of tents and campers on the property.

Fischbein addressed tent camping on the lawn areas of the STR so the renter could have more friends stay on the week or weekend bookings. Fischbein referred to Freedom's ordinance of 1507.1 Incidental camping, which reads:

“Prohibitions

1507.1 Incidental camping. A STR permit allows use of the primary residence on a lot only and does not authorize incidental camping, which means any overnight camping, sleeping in tents or other temporary shelter in the yard or on decks attached to the short- term rental unit, or sleeping in travel trailers or recreational vehicles or parked on the short-term rental property.”

Jonathan Smith commented that limiting the number of guest to “(2) guest per bedroom, plus (2) extra guest according to the tax card and approved septic design,” and stating on the permit “This permit is permitted for a maximum capacity of 8 people per Short Term Rental property.” Fischbein suggested posting the occupancy capacity inside the unit.

Fischbein inquired if the police are called to a STR; is there a notification process from the police department to the Selectmen or the Zoning Officer identifying that the police department was dispatched for a disturbance. Jonathan Smith stated that the Selectmen could ask the police to generate a report for the Selectmen or the Zoning Officer to address what they witnessed. Jonathan Smith referred to Chairman Cohen's draft ordinance where she has addressed this very issue as follows:

“Revocation

The Board of Selectmen, or their designee, may revoke a permit for any Short-Term Rental unit upon notice by the town's Health Officer, Police Chief, Fire Chief, or Code Enforcement Officer that the dwelling is in violation of any conditions.”

Fischbein referred to Freedom's ordinance of 1508: **Definitions and Exclusions:** “**Exclusions:** ~~accessory dwelling units (attached and detached),~~ campers, and camping trailers do not meet this definition and may not be rented as a STR.”

Discussion ensued with Barron addressing Accessory Dwelling Units and being able to rent that structure as an STR. Jonathan Smith agreed that ADU's should be allowed to be a STR.

Fischbein requested to have the exclusions added to the definition for short term rentals.

Chairman Cohen moved to discuss the format and inclusions on the permit application. Jonathan Smith noted that is something that can be done through the zoning office.

Fischbein inquired if there should be an inspection prior to issuing a permit and referred to Freedom's safety inspection criteria's. The Board reviewed and selected which one to include in Ossipee ordinance.

The secretary asked for clarification on the offenses selected from the Town of Lincoln. Barron suggested adding into the offenses the ability to grant an extension to the permitting process.

Chairman Cohen moved to review the Purpose on the draft version.

Fischbein referred to Gorham's ordinance which states in part:

"The permit shall be valid for a one year period (7/1 to 6/30). Annual renewal must be completed prior to expiration. If a property fails inspection, the applicant will have a 30-day grace period to remedy these deficiencies for re-inspection. Failing to renew the license prior to expiration shall be treated the same as operating a Short Term Rental without a license."

Fischbein asked Jonathan Smith if a re-inspection would be necessary on a re-permitting. Jonathan Smith noted that an inspection would be required prior to issuance of all permit applications. Discussion evolved to with every permit application comes a complete inspection. Barron inquired if there should be something in writing giving the Zoning Officer authority to stop in anytime to inspect. Jonathan Smith noted that with any open permit it gives him the authority to show up at anytime and if there is a complaint the Zoning Officer has the right to enter. With an open permit the owner surrenders their right for inspection at anytime. Smith suggested adding into the ordinance, "Upon a complaint the Town may conduct an interior inspection at anytime with 24 hours' notice."

K. Eldridge commented "The permit will be valid for a 2-year period [date-date]. ~~Re-permitting~~ **Re-application with safety inspection by the Zoning Officer and Fire Chief** must be completed prior to permit expiration.

Fischbein suggested that the Selectmen refer to Gorham's application as a reference for developing Ossipee's permit application.

Fischbein referred to Jackson's Appeal ordinance 4.4.3.5 which states in part: "Within 30 days of the date of the Selectmen's decision to approve or deny an application for a Short Term Rental, an aggrieved party may file an appeal in writing with the Board of Selectmen, requesting that the Selectmen reconsider their decision and setting forth the reasons why reconsideration would be appropriate. If such an appeal is timely filed by an aggrieved party, the Selectmen shall schedule the appeal for a public hearing within 45 days upon receipt pursuant to RSA Chapter 43." Fischbein believes that if you have the right to apply for something, you have the right to deny, then you should have the right to appeal.

Fischbein referred to NH Municipal Association's document on Short Term Rentals to ensure that what has been discussed to add to the STR ordinance is in compliance with the NH RSA.

Jonathan Smith inquire if the room and meals tax number license was added to the draft ordinance. The secretary assured that it will be. The Board referred to Jackson's ordinance for verbiage as follows: "The owner of a Short Term Rental unit shall provide proof of a current NH Rooms and Meals Tax license number."

The secretary inquired of Chairman Cohen about the homeowner **showing** proof of insurance as an STR. **But the Board felt this would** force higher insurance rates on the homeowner, so the consensus was that the homeowner would **not** need to show proof of insurance **because the liability would be on them**.

The secretary inquired if there was a penalty written for complaints. Chairman Cohen read from her draft version as follows: "Revocation for violations of guests causing a nuisance to neighboring properties or the public will require a minimum of three incidents within one year, validated by any sworn law enforcement officer with jurisdiction, with documentation of notification of the contact person. Any owner found to be operating a Short-Term Rental after revocation of the permit will be fined \$1,000 per 10-day period."

The Board accepted the wording as is.

Chairman Cohen moved to review the Purpose and Definition on the draft version. The Board was agreed with the verbiage.

Chairman Sharon “Sharie” Cohen called for any further business to discuss. None heard.

Next Meeting: December 19 , 2023 at the Freight House

NHMA: Zoning Ordinance Deadlines:

- **Wednesday, December 13, 2023**

Last day to accept petitions to amend zoning ordinance, historic district ordinance or building code for consideration at the 2024 town meeting. [RSA 675:4- 90 days before town meeting]

- **Thursday, January 11, 2024**

Last day to post and publish notice for first hearing on proposed adoption or amendment of zoning ordinance, historic district ordinance or building code if a second hearing is anticipated. [RSA 675:3; 675:7 – 10 clear days before January 22]

- **Monday, January 22, 2024**

Last day to hold first public hearing on adoption or amendment of zoning ordinance, historic district ordinance or building code if a second public hearing is anticipated. [RSA 675:3 – 14 days prior to last date to hold public hearing on zoning/building/historic district ordinance amendment/adoption on February 5]

Any Other Business Which May Come Before This Meeting: Chairman Sharon “Sharie” Cohen called for any other business.

Chairman Sharon “Sharie” Cohen called for a motion to adjourn.

Adjournment:

A **Motion** by Barron to adjourn. B. Ames seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed.**

Meeting adjourned at 8:46 PM.

Minutes approved by majority vote of the Board on –

Date

Sharon “Sharie” Cohen, Chairman
Ossipee Planning Board

Bruce Stuart , Vice - Chairman
Ossipee Planning Board