

Lyme Planning Board Minutes
October/13/2016
Draft

Board Members and Staff Present: John Stadler, Chair; Tim Cook, Vice Chair; C Jay Smith, Select Board Representative; Vicki Smith, Member; Eric Furstenberg, Member; Amber Boland Alternate; David Robbins, Planning and Zoning Administrator.

Board Members Absent: Freda Swan, Alternate

Members of the Public Present: Sue Mackenzie. Cynthia Bognolo, Nancy Grandine, Rich Brown, Liz Ryan Cole. Eric Colberg

Item 1: Rental Forum

John welcomed the attendees and gave a short overview of why the Board was holding the forum. John noted that while the Board was interested in hearing about concerns with all types of rentals, the Board was predominately interested in discussions surrounding short term rentals. John explained that the Zoning Ordinance does not explicitly address short term rentals and before the Board consider any type of ordinance change, they want to have input from the Town residents.

Vicki suggested that it might be helpful to show a matrix of the different types of rental scenarios so that the issues for each type could be discussed. There were two basic categories, each with their own subsets.

1. Owner occupied separate apartment, room rental to non-family individuals, AirBNB.
2. Non-Owner occupied whole house rental, whole house rental to several non-family individuals, AirBNB.

The general consensus was that owner occupied is less problematic because the owner is on site and is available to deal with issues as they arise. The greater concern is where an owner is not on site and the property has a large turnover of tenants.

Amber suggested that the Board include a definition of short term rentals in the definition section of the Zoning Ordinance.

Cynthia was concerned that tenants in short term rental situations may not be fully vetted by the owner and that this could lead to neighborhood issues such as noise and parking problems. She was also concerned that properties may not have proper smoke and CO₂ detectors correct egress and proper safety inspections.

Rich wondered when a property, used for short term rental, crosses the line and becomes a lodging use under the Zoning Ordinance. The Planning and Zoning Administrator stated that the Ordinance is unclear. The rental of rooms in a house can be considered a

customary accessory use. The rental of an entire house to several non-family individuals could fit the definition of lodging. John noted that this lack of clarity was one of the reasons the Planning Board was holding this forum.

Sue expressed a concern that there are residents that use rentals as income, and that limiting rentals could cause financial hardship, especially to elderly residents.

Vicki described the system that the Town of Hanover uses to track rental properties. The Town has an ordinance that requires a mandatory, no cost registry of rental properties. When you register you are provided with a brochure that outlines the requirements for rentals. If complaints are received then a building inspector is sent to review the complaint. If the property was not registered as a rental then the property owner will be fined.

Nancy stated that she believed that this type of ordinance should come from the Town (Select Board) and not from the Zoning Ordinance. John asked Jay his opinion as a Select Board member. Jay expressed his concern about enforcement with any new ordinance. Currently the Town does not employ a building inspector and does not have full time, in town police coverage.

John summarized the information gathered by the Board at the meeting.

- 1) A no cost registry for all rental properties should be considered. As part of the consideration enforcement issues should be reviewed.
- 2) The issues of parking and noise should be addressed through town ordinances, enacted by the Select Board and enforced by the Police Department.
- 3) Enforcement should be complaint driven.
- 4) The Planning Board should define the various types of rentals and whether they are allowed in the individual districts.

John closed the rental forum at 8:10 pm and opened the regular meeting.

Item 2: Acceptance of minutes from September/22/2016

Vicki moved to approve the minutes as submitted.

Tim seconded the motion.

John called for a vote and the motion passed unanimously.

Item 3: Zoning Ordinance discussions with the Pinnacle Project.

Liz and Rich had submitted a letter dated September 28, 2016. The letter summarized their understanding of the meeting they had with the Board on August 25th, 2016. In addition they asked the Board to consider the following three changes to the Zoning Ordinance.

- Consider workable density bonuses. We appreciate the spirit in which the Board' is considering a density bonus of one additional unit to be given if a third of the units are senior-friendly.
- Make Planned Developments (PD's), now only allowed in one village district (Lyme Common) and the Commercial District, available in part of the residential district.
- Increase the number of principal buildings on a lot. Rather than allowing only one principal building on a lot, the town could allow two or three, each of which could include accessory units.

John stated that, speaking for himself, he would not support any major change to the ordinance without comprehensive and credible data showing how the change will affect the Town. John felt that the Board has an obligation to the Town to ensure that any changes to the Ordinance are in the best interest of the Town, rather than just for the benefit of a single developer.

John noted that the three suggestions were vague and did not include any detail as to how the Pinnacle Project wanted them implemented. Their letter did imply that the changes should include their property, suggesting that the changes were primarily intended to aid their development. He said that this had things backward and that changes should be motivated by what is best for the Town.

The Board discussed the proposals but the consensus was that there was not enough information in order to move beyond these initial discussions. The suggestion was made that the Pinnacle Project should provide supporting documentation to show that their suggestions provide positive impact. It was reiterated that they should provide detailed build-outs showing:

1. The impact on the whole area covered by their proposals
2. The impact on the entirety of all Pinnacle and Brown properties.

The meeting adjourned at 8:55 pm

Respectfully Submitted
David A. Robbins
Lyme Planning and Zoning Administrator.