Planning Board
Meeting Minutes
Board Room, 41 South Main Street
March 3, 2020

Members Present: Judith Esmay, Nancy Carter, Iain Sim, Brian Edwards,
Alternates Present: Jarrett Berke, Paul Simon, Beth Esinhart, April Salas
Staff Present: Rob Houseman, Vicki Smith
Others Present: Jolin Kish, Bill Mlacak, Kristine McDevitt

SALAS, ESINHART and SIMON were appointed to serve as voting members of the Board.

1. PUBLIC HEARINGS ON PROPOSED ZONING AMENDMENTS FOR TOWN MEETING 2020

ESMAY acknowledged the community members attending the meeting and noted that they were present to comment on the petitioned zoning amendment. The Board concurred with her idea to consider that amendment first so that the public would not have to wait while the other zoning amendments were heard.

Petitioned Zoning Amendment
ESMAY opened the public hearing on a zoning proposal submitted by petition to amend the Zoning Map to include the existing duplex at #59 and #61 Lyme Road, Tax Map 46, Lot 11, (currently in the SR-3 zoning district) in the RO zoning district. Kristine McDevitt, 55 Lyme Road, read the letter she had submitted to the Board earlier in the day. She was not in support of the proposal. Bill Mlacak, Reservoir Road, said that he too was a participant in the Lyme Road Village Planning Committee and thought that it was bad policy to support the proposal to make conforming an intentionally built non-conforming structure. He noted that the proposal implies that the zoning of Mr. Coughlin’s property was in error when in fact there is no error in the designation that supports the recommendation of the Village Planning Committee. Mr. Mlacak urged the Board to vote against the proposal.

The Board had received via email and by phone to Vicki Smith public comment submitted by community members who could not attend the hearing. One immediate abutter strongly supported the proposal. Seven community members opposed the proposal. Some of these community members would like their names retracted from the petition. This was not possible.

ESMAY closed the hearing. **SIM made a motion to disapprove the proposal. EDWARDS seconded the motion which was unanimously approved.**

Residential Institution
ESMAY opened the public hearing on the zoning amendment to broaden the definition of residential institution to include supervised independent living units, update some terms and eliminate the use from the RR zoning district. There being no public comment, ESMAY closed
the hearing. *SIM made a motion to place the amendment on the warrant. EDWARDS seconded the motion. The motion was unanimously approved.*

**Solar Energy Systems**
ESMAY opened the public hearing on the zoning amendment to allow in all districts except the D and I zoning districts, solar energy systems to be mounted on buildings such that the solar energy system may exceed the height limit but only if the system is not visible. There being no public comment, ESMAY closed the hearing. *EDWARDS made a motion to place the amendment on the warrant. ESINHART seconded the motion. The motion was unanimously approved.*

**Bed and Breakfast**
ESMAY opened the public hearing on the zoning amendment to modify the standards regarding bed and breakfast. There being no public comment, ESMAY closed the hearing. The Board agreed that the tabular format was no longer necessary as the standards were the same in all districts. Staff will convert the table to a narrative without changing the meaning or substance of the amendment. *SIM made a motion to place the amendment on the warrant. ESINHART seconded the motion. The motion was unanimously approved.*

**Storage of Natural Material**
ESMAY opened the public hearing on the zoning amendment to eliminate unnecessary and confusing rules regarding the storage of natural materials, Section 518 Storage of Natural Material. There being no public comment, ESMAY closed the hearing. *CARTER made a motion to place the amendment on the warrant. EDWARDS seconded the motion. The motion was unanimously approved.*

**Maintenance Yard Changes**
ESMAY opened the public hearing on the zoning amendment to modify the definition of maintenance yard to delete the area requirement and measurement thereof. There being no public comment, ESMAY closed the hearing. *SIM made a motion to place the amendment on the warrant. EDWARDS seconded the motion. The motion was unanimously approved.*

2. **Work Session on Short-Term Rentals (STRs)**

The Board noted that they need to come to agreement on:
- a definition of dwelling unit, owner-occupied that makes it clear that the dwelling is the owner’s principal place of residence, that is, the place where the owner spends the most time and is registered to vote.
- the number of days a dwelling would be available for hosted and un-hosted short-term rental

It was pointed out that Sections 519.4, 519.5 and 519.6 should be made consistent with the number of days being measured in “any calendar year”.

The Board reviewed the draft Town Ordinance #38 regulating short-term rental. It will be presented to the Board of Selectmen if and when the Planning Board has a zoning amendment allowing short-term rental prepared for Town Meeting.
There were some questions regarding the ability of the Planning, Zoning and Codes Department to develop a fee schedule to cover the cost of the contractor providing monitoring and enforcement assistance and staff to perform inspections. If a property is used both for un-hosted and hosted short-term rental, then a homeowner would pay fees for both, as well as for Special Exception permitting. The fees are greater for un-hosted rentals as the whole house needs to be inspected. Data gathered as STRs are monitored are public information. A Special Exception runs with the land; a STR license is issued to the property owner.

SIM was concerned about compliance. He thought that registration and health and safety would be covered, but that nuisance compliance and enforcement were not addressed by the draft Ordinance. SIM wanted to be sure that more satisfactory outcomes would be possible when working with uncooperative owners. SALAS pointed out that there is no nuisance standard for long-term rental, or owner-occupied residences. The new rental housing inspector will be tasked with all rental safety checks though the long-term rental safety inspections are currently taking place if initiated by a complaint and there is no licensing requirement for long-term rental. The end goal is to have a single plan for rental registration, inspection and compliance.

SIM will not support sending a STR amendment to Town Meeting without the support of the Selectboard for an ordinance requiring licensing. The Board questioned whether an amendment would be valid if no registration or licensing mechanism was in place and such registration or licensing was a necessary condition for legally undertaking STR use. Staff will consult legal counsel about the advisability of this provision of the amendment.

The Board took up the question of allowable number of days for hosted and un-hosted STR. The limit on the number of days is designed to support the goals of the amendment: to preserve neighborhood character; discourage investor-ownership for STR; and maintain housing stock for long-term use.

Jolin Kish supported starting out with a 30-day limit for un-hosted STR and reconsider that limit for next year. Without limits, she felt the Board would be zoning the whole town for hotel or bed and breakfast use. EDWARDS supported the idea of starting with fewer days and expanding the rental days if appropriate based on the first year’s experience.

ESMAY proposed allowing an owner-occupied primary residence to be used for short-term rental for a total of 90 days, with no more than 30 of those days being un-hosted. This was agreeable to the Board.

BERKE noted that the revenues reported by AirDNA do not reflect the costs for cleaning and maintenance.

SALAS wanted the Board to not lose sight of the upsides of STR as a way to invite people to the community and for them to be accommodated in a very unwelcoming housing market. She challenged Ms. Kish’s income-producing method of real estate valuation saying that in Hanover, there is a willingness to pay market. She noted that students pay $1,000 per month for a room, so she cannot believe that it is financially infeasible to purchase a single-family home in the downtown area as a long-term rental. Ms. Kish allowed as you might be able to break even, but not make a profit. She said that visiting nurses could not afford to live in Hanover and that they lived mostly in Lebanon and Hartford where rents are lower.
SIM viewed hosted STR was something akin to a home occupation which allowed owners to stay in their home.

SIMON wondered with use of an Accessory Dwelling Unit (ADU) if un-hosted being limited to 30 days, is Section 519.7 even necessary? The Board was divided as to whether it was appropriate to use ADUs as STRs. To some members that use seemed contrary to Section 702.1 C about increasing the housing stock.

ESMAY suggest that the owner-occupied dwelling unit definition be modified to replace “primary” with “principal”.

It was noted that a homeowner could rent out their home for 12 30-day periods and there was no limitation on that practice.

Board members were supportive about bringing an amendment regarding STR to Town Meeting in 2020 though most wanted to allow STRs incrementally as it was pointed out that once allowed, it would be difficult to dis-allow or further limit STRs. Also, many comments made by the public at the listening sessions were suggestions to go slowly.

ESMAY will meet with staff to further refine the proposal. The Board decided to meet again on March 10 and, if possible, hold the public hearing on STR on March 31st.

Other Business
The Board decided to meet on April 21 in addition to April 7. CARTER and SALAS will not be able to attend on April 21.

Minutes of February 18, 2020
Modifications were suggested to the minutes of February 18, 2020. **SIM made a motion to approve the amended minutes of February 18, 2020. CARTER seconded the motion. The motion was unanimously approved with SALAS abstaining.**

Meeting adjourned at 10:20 PM.
Respectfully submitted,
Vicki Smith
Scribe Pro-Temps