

TOWN OF FREEDOM
Freedom Planning Board
Thursday, July 15, 2021
7:00 p.m. - Freedom Town Hall.

The meeting was called to order at 7 pm by Anne Cunningham. Present are: Anne Cunningham, Paul Olzerowicz, Carol McIntire, Beth Earle (Alternate), Jeff Nicoll (Alternate), Bill Elliott, Ernie Day – Selectmen's Representative (Alternative), Melissa Donaldson – Recording Secretary. Pam Keith and Jeffrey Towle are absent.

- Review minutes of the June 17, 2021 meeting – Paul made a motion to approve, Bill seconded.
APPROVED
- Short Term Rentals – Anne issued background information regarding the differences between public hearings and public meetings. This is a meeting that is being held tonight. She explained where the Board is with the process at this point. The Selectmen have requested that the Planning Board begin a process of regulating short term rentals. The Selectmen have already decided that they will be licensing the short-term rentals. The Planning Board is concerned with the land use portion of this topic. We will be regulating, not prohibiting short term rentals.

Intent – why would we allow STRs?

Which districts would we allow STRs in?

Definitions – what is a Short-Term Rental? Does the definition encompass the whole house or just a room? Does owner need to be on premises? Resident or non-resident? Type of structure? Limit licenses per district? Annual limit of rental days or number of rentals?

Selectmen will deal with these items: License required – number of stays – life safety rules – fire inspections – septic capacity – current septic approval – price – enforcement mechanism – what State requirements will be part of the licensing process.

INTENT

Beth Earle is concerned about the short-term rentals vs. the need for affordable housing. Jackson's intent is to preserve year-round residential housing.

Paul O. - why would we want short term rentals? They have existed in the town for many years. Preserve the character of neighborhoods. Protect the people, the environment, the safety of visitors while regulating.

Jeff agrees with Beth and Paul's statements. The presence of short-term rentals has demonstrated that there is an effect on the neighborhood in general. The regulations should be crafted to limit the effect they have on the neighborhoods.

Bill agrees with the previous statements. His concerns are safety, septic and the neighborhoods.

Carol agrees as well.

DISTRICTS

How do we feel about restrictions in districts?

Ernie spoke about finding out where the existing 80 rentals are, then look at limiting the numbers in those districts.

This could be a permitted use, or a special exception use. The license would make the property permitted. We could require a license and a special exception from the ZBA and this would become a two-part process. The advantage of the special exception is that it would require a public hearing and neighbors would be aware that your property may be rented. Beth is supportive of the Special Exception process. Paul feels that the permit process then a special exception process is repeating the requirements. Beth spoke about the permit process possibly notifying abutters. A notice to abutters once a license is issued is a possibility. Jeff feels that the special exception process would allow neighbors to have a voice. Carol hoped that the license would cover everything. She is concerned about whether the special exception process would help or cause confusion. Paul spoke about the fact that license requirements have been met, so the exception process doesn't seem necessary. Beth feels if the licensing process is rigorous, all the concerns could be covered. She spoke about limiting the number of rental days.

DEFINITIONS – do we want to distinguish between hosted and unhosted short term rentals? We need data on this. How long is a short-term rental? Most are less than 30 days; one lists between 1-14 consecutive nights. We are comfortable with using 30 days or less as the definition. Does the rental unit have to be the property owner's primary residence? In Freedom, most of the rentals are in seasonal (secondary) residences. Paul spoke about intents and second homes. Beth spoke about insurance and home sharing endorsements that are available through some companies, which may allow up to six weeks. Anne polled the audience to see how many here have seasonal homes and rent them out. There was no audience response. One audience member spoke about the clarifications of primary homes and vacation homes that are rented out occasionally. These are different than the person who purchases the property with the intention of renting the home out over and over for the income. In Conway, that makes up about 10 percent of the STRs. Bill would like the STR to require that it be a primary residence. Jeff offered his opinions regarding the possible reasons for the residency requirement – which would be to protect the nature of the town, or to basically prohibit STRs without saying that they are not allowed. Hosted properties do not affect the neighborhoods nearly as much as unhosted properties. Anne feels that if we say this has to be your primary residence, this is prohibiting STRs without prohibiting them. We want to regulate, not eliminate them.

How many days/rentals can you have? The inventory is important in regards to the amount of STRs that are in affordable housing. Ernie mentioned seasonal and amount of days, as well as limits on the amount of licenses granted. Bill likes 1-14 days. Carol likes the suggestion of seasonal and 90 days that Ernie made. Jeff mentioned that he has seen towns vary between 30-90 days. He feels that someone needs to check the levels of income, and a sampling of houses to put this into perspective.

The public was invited to comment.

Patty Safallo – commented about the amount of days – how are you going to keep track of that? Check Cathedral City, Palm Springs, Rancho Mirage for the information about eliminating their STRs because of the headaches. If there are no longer rentals allowed in Conway, we don't want their problems here.

Bob Rafferty – are STRs legal now? This will go on the ballot, who is going to vote?

Ned Kucera – printed comments were distributed to the Board. Limit the number of people. Restrict numbers based on septic systems. Restrict vehicles to on property parking only. Enforcement. Fine the owners as a nuisance property.

Lou Edgers – they have experienced the neighborhood pain with a STR next door. Impressed with the process. Input about neighborhood pain can be provided. How can we be informed about the process?

Mark McConkey – appreciates the process. Supports the licensing idea. A license could be for 6 months. The property owners should have a licensed Rooms and Meals Tax through the State. Notifications could

be set up with the process of licensing. There needs to be something in this process about having licenses revoked. There should be a cost for the license that is sizable. Regulate, watch, put a penalty on it. He commented about detached housing not appearing on this list.

Jean Marshall – feels it is important to look at density and quantities. It is important to keep the quietness in this town.

Robert Gendreau – does anyone on the Board here own a rental property?

Gerard Gandineau – found 76 rentals in Freedom.

Ernie spoke about all of us being on the same page regarding the integrity of the town, and that the license can be revoked.

- Updates on duplexes and cluster developments - Jean has not been able to speak with LRPC yet. Bill spoke with Gerard regarding what people are looking for here? There is not anything in particular that they are asking for. Property inventory is selling. Jeff spoke with Paul Wheeler – regarding marketability of duplexes and cluster developments – right now they would likely sell, but right now anything will sell. In normal times, the market centers around Conway and North Conway – the only reason someone would buy a duplex or cluster house here would be because they are not able to get one of those in Conway or North Conway. The distance and travel times does not make sense in that housing market. Regarding the condos in Freedom – the condos are primarily vacation homeowners and retirees. Anne did not talk to Susan.
- Review Plans for August Public Hearing – August 8th – 2 pm? - outline was distributed. Must be posted by July 28.

Lisa Hobbs Stiggee – here to gather information to help decide how she feels about STRs.

- Public Comment – Lisa has an ADU, an apartment over her garage.
- Other Business that can properly come before the board – Pam has a medical issue and will not be present at our meetings for a while. She has asked us to hold her seat for a time.
- July 31 at 3:30 pm there will be a community meet and greet. Does the Planning Board want to have a table? The Board will not be hosting a table at the event.
- Boyle's Market – the people who have purchased it have found that it is a prohibited use. The previous station was removed. Effingham Planning Board or ZBA has discussed whether this is a matter of regional impact. The Board chose not to do this. There will be a meeting on the 20th of July at the Town Office. We are downstream from the gas station. We will not have abutter status but we and the Freedom Conservation Commission should weigh in on this. September 29th at 10 am there will be a septic presentation here, done by Green Mountain Conservation. Beth expressed an idea about zoning ordinances and how properties are being advertised as potential wedding venues.

Paul made a motion to adjourn at 8:52 pm, Bill seconded. The meeting was adjourned.

Respectfully submitted,
Melissa Donaldson
Recording Secretary