

**TOWN OF BARTLETT PLANNING BOARD
PUBLIC HEARING**

December 5, 2022

Members Present: David L. Patch; Kevin Bennett; Scott Grant; David Shedd; Michael Galante; Joe Heuston; Gus Vincent. **Members Absent:** None.

Before opening the meeting, the Chairman called for a moment of silence to honor Bob Holmes, a valued and well-respected member of the town who passed away recently.

1. Pledge of Allegiance: Chairman Scott Grant opened the meeting at 6:05 pm, led all present in the Pledge of Allegiance, and reviewed items on the agenda.

2. Discussion on Short Term Rental Ordinance: With no applications to review, the board discussed how to deal with the short term rental ordinance which had passed at the last town meeting through a petitioned warrant article. The warrant article had directed the planning board and/or town to write a zoning ordinance restricting short term rentals to the commercial zone only. The Chairman read the warrant article in its entirety and noted a letter had been received from the selectmen which they had written in response to his meeting with them to seek their input and thoughts. The letter indicated the selectmen were not in favor of the board moving ahead to put a zoning amendment on the ballot this year, and listed their reasons why. The letter noted the warrant article was not well-worded and did not give a timeline for when the amendment had to be done.

The Chairman agreed there was no time limit stipulated in the article and asked whether the board wanted to move forward and place something on the ballot. David Shedd said he would recommend moving forward. Even though he did not necessarily agree with the ordinance, he said that is what the voters had directed us to do and we had a responsibility to the voting public to do what they asked. Mike Galante said he would not support putting it on the ballot, mainly because of the legal aspects mentioned in the selectmen's letter and the fact there was no date given as to when this needed to be done. He asked why would we add more fuel to the fire when people would be hiring lawyers if STRs were restricted. Joe Heuston cited the difficulty in enforcement should they only be allowed in the commercial zone. He agreed something may need to be done eventually and they may need to be regulated, but felt the board should not proceed at this point.

Kevin Bennett said the first thing the selectmen should do was to get an idea of how many short-term rentals were in town and to regulate them. He said he could guarantee that a lot of them were not paying room and meals tax. He cited problems Jackson was experiencing with failing septic systems caused by overcrowding. Mr. Bennett said he was aware of several STRs in Bartlett which were being rented to more than sixteen people at a time. He also noted instances of police being called for noise complaints, especially over weekends, and said emergency personnel were being overwhelmed with calls. They were also dealing with a shortage of members, caused in no small part by the lack of housing in town available for locals. He felt something definitely needed to be done. Joe Heuston defended STR owners by saying they were contributing to the tax base while not costing taxpayers any money by not having children in our school.

David Shedd recalled the board had voted unanimously not to support the last petitioned article, and said he would like to see STRs regulated in both the commercial and residential districts. He said at some point we have to do something, and asked how do we get around this current situation where we

were directed to limit them to the commercial zone. Discussion as to whether we could follow the voters' wishes and write a simple zoning amendment this year which said STRs were only allowed in the commercial zone, and then create a better ordinance once legal challenges had been decided by the Supreme Court and amend it next year. David Patch agreed we could write a simple amendment, but noted we do not even have a definition of what a STR entails. He said each town has a different understanding of what they mean and noted the issue is being decided by the courts at the moment so everything is up-in-the-air. He said because the warrant article that was submitted last year was so poorly written and so hurried, he has no problem with not proceeding just yet. He agreed with David Shedd that more voters do not want STRs in a residential zone than those who did, but said it did not bother him to say no, especially when the warrant article did not have a time limit. He did agree that we should not wait forever, though, but noted whatever we did would have far-reaching consequences and we needed to do things in a logical way and wait for an answer to come down from the Supreme Court. He said he agreed with Kevin Bennett that there were things in place right now that the town could enforce if they wanted to, such as life safety and fire department regulations.

Short discussion about whether STR owners who did not pay room and meals tax would be eligible for grandfathered status. David Patch said only a bona fide STR who abided by state laws and paid their taxes would be able to claim grandfathering protection. David Shedd asked if we went ahead with the ordinance this year and people voted for it, would that effectively end any grandfathered opportunities for STRs developed in the residential zone after the town vote. He was told yes, since after the vote any new use would be illegal unless it was located in the commercial zone.

David Shedd said he would like the board to take a vote as to whether a short term rental ordinance will be placed on the ballot at the March 2023 town meeting. The Chairman agreed and called for a motion as to whether the board wished to put a warrant article on the ballot at the 2023 town meeting which restricts short term rentals to the commercial district. A motion to do so was made by David Shedd; seconded by Kevin Bennett. Vote: 3-3-1 (Grant, Shedd, and Bennett voting yes; Patch, Galante, and Heuston voting no, and Vincent abstaining). Because of the tied vote, the motion failed.

3. Mail and Other Business:

- The January 2023 public hearing falls on January 2, which is a public holiday. The board members were asked whether they wanted to move it to the next day, Tuesday, January 3, or leave it as scheduled. Decision was to leave it on Monday, January 2, 2023.

There being no other business, the Chairman called for a motion to adjourn. Motion made by David Shedd; seconded by Mike Galante. Vote: All in favor. The meeting adjourned at 7:10 pm.

Respectfully submitted,
Barbara Bush
Recording Secretary