

Walpole Zoning Board of Adjustment Minutes
Wednesday, February 17, 2021
7 pm
Meeting via Zoom

Roll Call: Zoom meetings require that votes be taken by an individual board member voice response. Chair Jan Leclerc called the names of each Board member and he/she responded “here.” Board members saying “here” were Clerk Tom Murray, Zoom Host Pauline Barnes and alternate Don Sellarole. Ms. Jan Leclerc introduced herself as chair of the Zoning Board of Adjustment in Walpole and Marilou Blaine as recording secretary. Absent: Vice-chair Myra Mansouri, Ernie Vose, Alternates David Edkins and Judy Trow. Ms. Leclerc asked Mr. Sellarole to fill in for absent board member Ernie Vose. The meeting was being recorded. Ms. Leclerc said each person was in a separate location.

Meeting Opened: Ms. Leclerc called the meeting to order at 7:06 pm. Ms. Mansouri joined the meeting at 7:28 pm.

Minutes: Mr. Murray said he would like to amend something he said at the January meeting. On page 3, first paragraph, he asked to change the word “verbiage” to “define” and delete the next sentence completely. Ms. Leclerc said he didn’t need to delete that sentence as it was “true,” but Mr. Murray said he preferred to do that. He made a motion to accept the minutes as amended. Mr. Sellarole seconded the motion and the motion carried.

Old Business: Signage at Shaw’s in North Meadow Plaza: No one from Bailey Signs in Westbrook, ME, the company making the signs, has contacted the secretary about an update.

Discussion about short-term rentals:

Since there were no other items on the agenda, the Board discussed writing an ordinance for short-term rentals. They did so because there is a concern about the popularity of these establishments and on the advice of the town’s counsel that the Zoning Board should do this “sooner than later.”

Mr. Hockensmith said in a letter to Chair Leclerc that the Bed & Breakfast ordinance does not cover short-term rentals because that is not a home occupation and that short-term rentals are more of a commercial rental even though it may seem a small business.

Ms. Leclerc said this meeting was a “brainstorming” session about what might be pertinent language for a separate ordinance on short-term rentals. No vote was taken. It was a lively discussion with everyone participating. Prior to the meeting, the Board had received lots of material from Ms. Barnes about this phenomenon including samples of at least six New Hampshire town’s ordinances on short-term rentals. These ordinances have included definitions, purposes, standards for specific uses, zoning districts where short-term rentals are permitted or not permitted, the application process, safety measures, restrictions, owner’s obligations and signage.

The secretary has divided the minutes into what most members seemed to agree on and other ideas of what may or may not be included in the ordinance, but were brought up at the meeting. It’s a work in progress.

Things generally agreed upon:

The Bed and Breakfast ordinance would remain as is and a new ordinance pertaining to short-term rentals would be written. (See Article IV L in the Town of Walpole’s B&B Zoning Ordinance).

The ordinance would begin with either a definition of a short-term rental or a statement of purpose of a short-term rentals.

The term “short-term rental” would be the term used throughout the ordinance.

The current ordinance defining tourist homes, which is an antiquated term for rooms rented overnight, would be used for short-term rentals and the term tourist homes would be swapped. The definition of tourist homes currently says “means any place consisting of a room or groups of rooms located in a residence where transient accommodations for sleeping or living purposes are provided for a price.”

Short-term rentals would be divided into two types:

- a. primary residence owners (owners of property who must spend a minimum of 180 days a year living on that property)
- b. investor-owned (owners do live on the property). Owners of investor-owner short-term rentals must also get a Special Exception from the Zoning Board of Adjustment before going to the Planning Board.

Owners of either type of short-term rental must go to the Planning Board and present a Site Plan for the Board’s approval. The reason for this is that since owners of Bed and Breakfasts are required to get Site Plan approval, owners of short-term rental units should get also Site Plan approval. Also, Site Plans include consideration of parking, lighting and safety regulations by Walpole’s Fire Chief.

A room or group of rooms could be rented for up to 30 consecutive days.

Other items to be considered:

In what districts should short-term rentals be permitted?

Should owners of short-term rentals need a permit or have to fill out an application for permission from the Town Offices?

Should owners of short-term rentals have to register with the town?

Noise and partying are major concerns for neighbors of residences used for short-term rentals. Should there be penalties for renters who abuse these concerns?

Could a DADU, Detached Accessory Dwelling Unit, be used as a short-term rental?

Should there be any restrictions on short-term rentals? If so, what kind of restrictions?

Contact number for people when person who has short-term rental for a person having primary residence.

What is already being done?

Input from town residents

After about an hour of discussion, Ms. Barnes asked if perhaps the Board should get some input from townspeople. It was decided that Ms. Leclerc would write a letter and ask the publisher of the Clarion and editor of the Walpolean whether they would print a letter. Also, post on bulletin board.

The discussion on short-term rentals will continue.

Respectfully submitted, Marilou Blaine, secretary

cc: ZBA, WPB, Town Offices

Posted: Inside and outside the Town Offices, www.walpole.nh.us, Walpolean