

Town of Randolph

Planning Board Minutes

January 5, 2023

Members Present: John Scarinza, Robert Ross, Tim Mather, and Kevin Rousseau

Members Excused: John Turner

Public Present: Tara Bamford (via phone), Michele Cormier, Paul Cormier, David Ruble, and Gaye Ruble

Minutes

On a motion by Robert Ross, seconded by Tim Mather, the Board voted unanimously to accept the minutes of the December 1, 2022 meeting as presented.

Proposed Amendments to Land Use Ordinance

John Scarinza opened the public hearing at 7:06 pm on the proposed land use amendments.

John Scarinza advised that Amendment number one would make it clearer how the ordinance works. The Ordinance is a permissive one, meaning anything not mentioned in the ordinance is not allowed.

Amendment number two would update the ordinance to comply with the new law in reference to churches. The ordinance did list a church as an allowed use, but the new law states that it is a permitted use by right. Tara Bamford advised that the RSA stated in the amendment is incorrect, and she will correct it in the final copy to 674:76.

Amendment number three would amend Article III by adding a definition of a kennel, which would be more than five dogs or more than eight other small domestic companion animals. Scarinza advised that the age of 6 months is added to cover a litter of puppies. They are also proposing to add Section F, which lists additional requirements that must be met for a kennel, including the mitigation of noise, waste management and disposal, and food storage. Scarinza advised that they did consider a limit to the number of dogs per acre, or setbacks, but decided it would depend on the land. Scarinza advised that although these were the three items they thought were important to consider, it does not mean that other conditions could not be added as part of the special exception.

Paul Cormier asked if kennels are allowed now, and was advised they are by special exception. Cormier noted that there are already conditions for special exceptions, such as the personality of the neighborhood not being changed, that would already cover these issues. Scarinza replied that

they wanted to be sure these items were prioritized. Cormier asked why the Planning Board was interested in kennels, and Scarinza advised he was approached by a few people asking about kennels and about barking dogs. Scarinza noted that a single barking dog would be covered by state law, but that kennels are not specifically covered. Cormier asked if they could be taken off the list of allowed uses, and Scarinza advised if they did, they would not be allowed at all. Gaye Ruble noted that if someone moved into town with six dogs, even if they were pets, they would be required to get a special exception. Scarinza advised they would have to. Tim Mather noted that Gorham has the same ordinance. David Ruble noted that his concern is with the first sentence, stating a special exception will be allowed. Tara Bamford advised that if the conditions are met, it would be allowed, as the Board of Adjustment would have no reason to deny. Gaye Ruble again noted that someone having several pets would be strange to call a kennel, as they are not running a business, and they could be running a business with less than 5 dogs. Ruble noted that someone may have less than 5 dogs and less than 8 cats, and questioned whether it should read and/or, rather than or. Michele Cormier stated that if they were running a commercial kennel, they would need a special exception for a home business. Tara Bamford advised that they are attempting to define a kennel, as it is covered in the ordinance but not defined. Bamford stated that the number of dogs makes an impact, not whether they are breeding. David Ruble stated that the nuisance from a non-commercial aspect is just as bad. Tim Mather stated that sled dogs in Jefferson is a reason they are defining a kennel. Gaye Ruble asked how someone would know that they needed a special exception if they are breeding, and was advised it would be their responsibility to check with the town for regulations. Tim Mather advised that in Connecticut, the same definition is used for kennel, and that it is just a name for it. Scarinza advised that this is just a mechanism to try to deal with more than 5 dogs at a residence.

Number 4 would amend Article IV to require a special exception for the operation of a group of seasonal rentals. John Scarinza advised that some people have asked about AirBNB and if the town will regulate. Scarinza noted that some families have been renting cottages for years. This amendment would cover those owners that have more than one rental property, by special exception. Scarinza noted that cottages were not covered in the ordinance, so they will be added to the definition. Scarinza noted that the ordinance will be applied proactively, not regressively. Michele Cormier asked about mother-in-law apartments, and was advised that these would be accessory dwelling units. Scarinza also advised that the amendment would define seasonal and transient use. Tara Bamford advised that the town's attorney suggested they add "(part or all of a building)" after the number of rooms in the definition of transient, to show that it could be a whole house or rooms in a house. Michele Cormier advised that many towns are struggling with short-term rentals and asked if that was what this was about. Scarinza advised that several people have asked about this issue, and that he has been involved in the process in Gorham in trying to deal with it. Scarinza advised that Gorham and Berlin, and especially south of the notch, out-of-town landlords are buying up properties to place on AirBNB. When problems arise at the properties, nobody is there to address them. Gorham has enacted a permit system, to check on life-safety issues. Michele Cormier advised that she is glad to see there are no extremes in the number of days that they can rent in a certain period. Davis Ruble asked if this is just for multiples or groups, and was advised it is.

John Scarinza closed the public hearing at 7:47 pm.

Tara Bamford advised that she will be correcting the RSA number, adding the language under transient suggested by the town attorney, and correcting a typo in section F.

On a motion by Kevin Rousseau, seconded by Tim Mather, the Board voted unanimously to approve the four amendments to be brought to the Town Meeting as presented, with the corrections noted by Tara Bamford.

Tara Bamford advised she will provide the language for the ballots.

Contract

John Scarinza advised that they need to renew the contract with Tara Bamford for this year. Scarinza advised that \$4,000 is budgeted annually. Bamford advised that her hourly rate is \$100, however she gives a reduced rate to towns of \$60 per hour. This reduced rate would not apply to applicants who require her services.

On a motion by Robert Ross, seconded by Kevin Rousseau, the Board voted unanimously to approve the contract with Tara Bamford for 2023, at the rate of \$60 per hour for municipal work.

Forest Commission Budget

John Scarinza advised that they would hold a public hearing on the Forest Commission budget in February.

Membership

It was noted that the Selectboard still needs to appoint a new representative to the Planning Board. Tim Mather advised he was up for re-election this year, and was reminded he will need to file with the clerk.

Adjournment

On a motion by Kevin Rousseau, seconded by Tim Mather, the Board voted to adjourn the meeting at 7:58 pm.

Respectfully submitted,

Shelli Fortin

January 6, 2023