

Town of Randolph

Planning Board Minutes - draft

December 5, 2024

Members Present: June Hammond Rowan, Robert Ross, Tim Mather, Michele Cormier, William Demers, Todd Ross

Members Excused: Kevin Rousseau

Public Present: Paul Jadis, Edith Tucker, Annie Lake, Susan Wemyss, Howard Wemyss, Paul Cormier, William Arnold, Bruce Kirmmse, John Bockman, Michael Cote, Jennifer Scarinza, Tara Bamford (via phone), and Shelli Fortin, Minutes Taker

1. Call to Order

June Hammond Rowan called the meeting to order at 7:00 pm.

Todd Ross was appointed to take the place of Kevin Rousseau, who was absent.

2. Roll Call

3. Review of Minutes

On a motion by Michele Cormier, seconded by Tim Mather, the Board voted to accept the minutes of the November 7, 2024, meeting as presented.

4. Communications to the Board

Communications to the Board will be discussed later in the meeting.

5. Report of Officers and Committees

a. Selectboard

Michele Cormier advised there was nothing to report.

b. Randolph Forest Commission

Tim Mather advised that the Forest Commission has approved the proposed 2025 Randolph Community Forest Budget. This will go to public hearing in January, which the Planning Board will hold.

6. Applications

There were no new applications.

7. Public Hearings

June Hammond Rowan opened the Public Hearing at 7:07 pm.

a. Amendments to Part 1, Randolph Land Use Ordinance (Zoning Ordinance):

- i. Amendment No. 1 would clarify what uses of a dwelling are Permitted Uses, including a single Short-Term Rental, and what is considered to be Lodging which would continue to require a Special Exception from the Zoning Board of Adjustment.

Paul Jadis asked whether short-term rentals were a permitted use, and June Hammond Rowan advised that it is the Planning Board's interpretation of the Land Use Ordinance that they are currently not. The Amendment will add them as a permitted use, which would also allow the Selectboard to set regulations if they choose to. Mr. Jadis also asked if the requirement for owner occupied would be 3 months consecutive, as this is not specified. Hammond Rowan advised this is something the Board can discuss after the public hearing is closed. Jadis asked what the Board's reasoning was in adding short-term rentals, and was advised that rentals have been part of Randolph for many years so this honor that history and address the issue of those currently in town.

Edith Tucker noted that rentals have been part of the history of Randolph, with many who rented buying property and staying. Tucker asked if the Selectboard would set regulations, as this is something she would like to know beforehand. Michele Cormier spoke for herself, stating that it is not something she would pursue, as long as there are no problems. Tucker noted that meals and rooms tax is required on rentals, and was advised that on-line platforms pay these automatically.

William Arnold asked if there was any restriction on the number of people in a rental, and June Hammond Rowan noted that it would depend on the property.

Michael Cote noted that from a law enforcement standpoint, issues with short-term rentals tended to be with OHRV and ATV related rentals, not hikers.

Howard Wemyss stated that he was happy to hear that the Planning Board was addressing Short Term Rentals, as they are currently not a permitted use, even though it has been happening all over town for generations. Wemyss noted that this is a way to start to realize the issue, and then if it starts to become a problem it can be addressed then.

June Hammond Rowan noted that the Planning Board did discuss their desire to preserve units for residents, and to be careful not to allow too many rentals to transient use. Tim Mather shared that concern, as short term renters do not usually stay to become part of the community. Edith Tucker noted that 40% of the tax base in Randolph is seasonal residents, which is important as it adds to the tax base but keeps school costs down.

Annie Lake noted that as someone who rents property, she has had better luck with short-term renters who take good care of the property, versus a long term renter who did thousands of dollars in damage to her property. Lake also noted that renters are required to pay rooms and meals tax directly for any cash received, but Airbnb and

VRBO pay them automatically. Lake also noted that allowing rentals also allows residents to afford to keep their property.

Jennifer Scarinza questioned the definition of lodging. Hammond Rowan advised that lodging will still require a special exception, and the types of lodging is now included in the definition.

- ii. Amendment No. 2 would add tent platforms to the Definition of “Structure,” meaning the 25-foot setbacks would apply.

Edith Tucker noted that several groups in the past, including Randolph Mountain Club trail crews, an archeological group, and Boy Scouts, did set up tents on rented properties. Tucker wanted to be sure this would still be allowed. Hammond Rowan advised that this is allowed four months or less.

- iii. Amendment No. 3 would update the Definitions of “Dwelling,” “Dwelling Unit,” and “Multi-Family Housing,” and add Definitions for “Single-Family Dwelling” and “Two-Family Dwelling.”

Paul Jadis questioned the definition of multi-family as 3 or more, and Hammond Rowan advised that there is single family, two-family, and more than that would be multi-family which would require a special exception.

- iv. Amendment No. 4 would expand the Definition of “Accessory Dwelling Unit (ADU),” and limit the size of a detached ADU to two bedrooms and no more than 1,200 sq. ft. of gross floor area. A second home larger than that would need to be on a separate lot. Also adds a Definition for “Gross Floor Area.”

June Hammond Rowan noted that an accessory dwelling unit is permitted by State law, and that the Town can set a limit on size, which the Planning Board has recommended 1,200 square feet.

Paul Jadis asked about section 3.33, which states that the number of households shall not exceed the number of dwelling units, and Hammond Rowan explained that if it was a 3-unit building, only three households should be living there.

b. Amendments to Part 4, Randolph Town Forest Ordinance:

- i. Amendment No. 1 would add a requirement that the chair of the Town Forest Commission shall not be a member of the Planning Board or in a leadership role of an organization that serves as an Activity Manager.

June Hammond Rowan read a letter submitted by David Willcox:

The proposed amendment to the Land Use Ordinance marks a significant change in the way the Randolph Community Forest is to be managed. Change is not bad. Indeed, it is healthy when undertaken with care and cognition.

So, I offer some thoughts.

The management structure of Randolph's Community Forest was conceived as an integrated pyramid: activity managers doing their specialized work; the Forest Commission coordinating those operations with its own and developing overall strategies for the Forest; and the Planning Board reviewing amending and approving the work of the Commission while providing the face of the management system – to the Town and to the public, at large. It was not anticipated that there would be daylight between the various layers of the structure, at least insofar as the task of managing the Forest was concerned. The sharing of information about organizational activities and plans through informal channels, sometimes involving people with multi memberships was expected.

That said, there is no question that the structure, as laid out in the ordinance, contains some elements which can be described as regulatory. If those elements are emphasized, it is reasonable to conclude that the Planning Board and the Forest Commission represent conflicting, not symbiotic, interests and that, therefore, it is wholly appropriate to enact a ban which prevents the same person from holding the chairmanship of both organizations at the same time. But, expanding that ban beyond those two organizations should be done with caution.

If the conflicts are expanded to include the activity manager organizations, it must reduce the pool of those available to head up those organizations by two: the chair of the Forest Commission and the chair of the Planning Board. Because, if there is a perceived conflict between the Forest Commission and, say, the Randolph Mountain Club, that conflict must also attach to the Planning Board, with its oversight and budgetary approval function and, especially, with its exclusive authority to appoint activity managers.

In a town the size of Randolph it is always difficult to find people interested and willing to serve in the various civic and voluntary posts and organizations that keep our community functioning and vibrant. The persons holding the chairmanship of these two organizations are, almost by definition, persons who are likely to be interested in the activities carried out by activity managers and would, therefore, be valuable additions to their boards. To say that the chair of the Forest Commission – and, I would argue, the chair of the Planning Board – cannot be “in a leadership role” in such an organization is too vague and imprecise a definition. Does a “leadership role” include the vice president or the deputy chair? Does it include a board member who, because of his/her knowledge of the subject has an undue influence on organizational decisions? If this ban is to be carried forward, it should be made clear that it attaches only to the position of president, chairperson or otherwise designated presiding officer.

Finally, there is the question of how this ban would be enforced. Activity managers, like the RMC, are private NGOs and the Town's ordinance cannot control it. So, if an activity manager organization elected the chair of the Forest Commission, or the chair of the Planning Board, as its chief executive officer, how would the breach be

handled? Would he/she be forced to resign from the Town position? Would the organization cease to be an activity manager? The ordinance needs to spell out the consequences.”

June Hammond Rowan noted that the text of the proposed amendment clarifies what the leadership role is, in that it says “The Chair of the Town Forest Commission shall not be a member of the Planning Board or president (or equivalent) of an organization that serves as an Activity Manager.” She noted that the Planning Board also has Rules of Procedure, and the Board should be included so that the Planning Board Chair cannot serve as the president of an Activity Manager as well.

Edith Tucker shared a concern about Chairpersons not being able to serve in leadership roles for Activity Managers, and Hammond Rowan clarified that it is as a president or equivalent, however they could still serve on the Board.

Michele Cormier noted that this structure provides a level of separation and control, with the Planning Board reviewing and signing agreements for the Town Forest Commission.

- ii. Amendment No. 2 would change the dates of when the Town Forest Commission submits a draft budget to the Planning Board and when the Planning Board holds a public hearing in the draft budget.

Michele Cormier noted that this amendment will bring the dates in line with a calendar year budget like the rest of the Town, and noted that it should be the first Thursday, not January 5.

Jennifer Scarinza commented on the owner-occupied requirement under Short-Term Rentals, and disagreed that this would be necessary. Hammond Rowan advised that it is only for more than one unit on a property.

June Hammond Rowan closed the Public Hearing at 8:03 pm.

8. Public Comments

Michael Cote advised that he has been unable to locate the missing document from the Cote Acres Road project, and asked the Planning Board to take a vote so that he can move forward with requesting the Town accept it as a Town Road. June Hammond Rowan noted that they have been able to locate several documents, but have no signed copy of the Notice of Decision. Jennifer Scarinza advised she will look at home to see if it is there. Hammond Rowan advised Mr. Cote that this was not on the agenda, so a review of what they have will need to be scheduled in January. Paul Jadis noted that this was also discussed at the Selectman’s meeting and they can review those minutes as well. Hammond Rowan noted that for a road to be accepted by the Town, a request for it to be accepted would need to go to a Public Hearing before going to Town Meeting. The road will need to be deeded to the Town.

Edith Tucker asked about the sledding hill on the Randolph Town Forest, and asked how people would access it with the parking area being closed. June Hammond Rowan stated that this is a concern for the Forest Commission.

Paul Jadis shared concerns about Town documents kept in private residences. All paperwork should be returned to the Town.

9. Other Business

a. Land Use Ordinance – 2025 Amendments

The Board discussed the proposed Land Use Ordinance amendments, deciding to keep the 3 month owner occupied requirement, and changing this later if needed.

June Hammond Rowan noted that any petitioned amendments to the Land Use Ordinance are due by December 11, 2024.

On a motion by Robert Ross, seconded by Tim Mather, the Board voted unanimously to bring the proposed amendments as presented to Town Meeting in March.

b. Planning Consultant Contract for 2025

June Hammond Rowan advised that Tara Bamford is going to take a bit of a step back with work, and the new contract includes a retainer of \$1,000 for general services, and any additional services will be billed as needed. Michele Cormier asked if this contract would need to be approved at Town Meeting, and was advised that the amount in the budget is not changing, it will be kept level at \$2,500, which will cover the contract and any additional work.

On a motion by Michele Cormier, seconded by Tim Mather, the Board voted unanimously to approve the 2025 contract with Tara Bamford for Planning Services.

c. 2025 Planning Board Budget

June Hammond Rowan advised that the Minute Taker line has been increased to \$1,025, planning for seven regular meetings and five public hearings. Planner and Public Hearings are level funded at \$2,500 and \$2,000 respectively. The Legal line has been increased to \$5,000. Some of this will cover having the Town Attorney review the Activity Manager Agreements. June Hammond Rowan asked if the Planning Board and Board of Adjustment could have separate billing and budgets for Legal fees. It was suggested that legal fees for the Activity Manager Agreements and Fuller lease could be covered by the Community Forest budget.

d. Other Business

The Board discussed Planning Board records and documents which, by law, need to be kept at Town Hall as they are part of the official business of the Town. NH Municipal Association can provide guidance about this.

10. Adjournment

On a motion by Tim Mather, seconded by Robert Ross, the Board voted to adjourn the meeting at 9:05 pm.

Respectfully submitted,
Shelli Fortin
December 6, 2024