



**TOWN OF WINCHESTER  
PLANNING AND ZONING COMMISSION  
Town of Winchester Town Hall  
338 Main Street - 2<sup>nd</sup> Floor – Probate Conference Room  
February 14, 2019 – 6:00PM  
Special Meeting Minutes**

**1. CALL TO ORDER:**

Chairman Craig Sanden called the meeting to order at 6:00PM.

**2. ROLL CALL:**

Mr. Sanden conducted the roll call, noting that the following individuals were present: George Closson, Jerry Martinez, Pete Marchand, and Art Melycher.

It was noted that Alternates Lee Thomsen and Barbara Wilkes were absent excused.

**3. DISCUSS/DRAFT SHORT TERM RENTAL REGULATION/ORDINANCE:**

Mr. Sanden explained to those gathered that this meeting was called to function as a workshop for the Commission to work on draft documents. He noted that there would be no public comment received at this meeting but that comments would be welcome later as part of a public hearing. Mr. Sanden explained that although this Commission meets twice per month, and their bylaws indicate that one of those meetings should be for planning purposes, applications are accepted and reviewed at every meeting as part of an effort to expedite development projects. As a result, this meeting was scheduled with the intention that the Commission would workshop the various drafts. Mr. Sanden indicated that if and when a final draft is approved by the Commission, it would be forwarded for legal review by the Town's attorney before being put forth to the public for questions and comments. He noted that written communications may be forwarded to the Planning and Community Development Office which will in turn be forwarded on to commissioners.

The Commission reviewed different drafts of language pertaining to regulating Short Term Rentals that have evolved in one form or another. It was noted that there were versions prepared by Mr. Melycher, Mr. Martinez, and Mr. Closson. It was also noted that Land Use Assistant Pam Colombie had taken the items contained within those various versions and drafted another iteration entitled, "Short Term Rental Licenses". This last version was edited.

It was noted that this new regulation would be added under *Special Regulations* and should also be included under *Glossary of Terms and Phrases*.

The consensus of the Commission was to strike the third paragraph of the Short Term Rental Licenses, paragraph (1)(b), relative to the property necessarily being the owner's principal residence.

They also agreed that the person designated to check on *Fire Safety* in paragraph (2)(e) ought to be changed from "Fire Marshal" to "Code Enforcement Officer" as Mr. Closson relayed a conversation he had with Fire Marshal Steve Williams recently.

The language contained within Paragraph (2) *Licensing Procedure*, "...A site plan is not a necessary attachment to an application but is recommended..." ought to be changed to "...A site plan is required...". They noted, however, that as they review applications, they will not be requiring that the site plan be an A2 survey. The Commission agreed that applicants will be able to utilize our GIS, Google or Bing in order to present with some type of site plan.

With respect to the fees, Mr. Closson suggested that the Board of Selectmen set the application fee for the license but that the inspection fee would likely be nominal as is the case with the inspections for Rental Certificates of Occupancy. That fee for those inspections is \$25.

Mr. Martinez reviewed the importance of providing residents with some form of certainty, in the form of a review process for Short Term Rentals, so that when people buy a home, they know what to expect with their investment. He noted that a person being informed with the knowledge that they can expect to have for instance, five houses in their neighborhood that function in this way, will provide that basis. Mr. Martinez queried fellow commissioners at what point does a residence become a hotel. Mr. Closson indicated that a single unit will not be permitted to be broken down into separate smaller units.

The consensus of the Commission was to strike the second sentence included in (2)(a) regarding changes to the outside appearance of the building. The sentence in that paragraph should instead read, "...The Short Term Rental unit must be operated in a way that will prevent unreasonable disturbances to nearby residents and does not change the residential character of the property in any visible manner..."

It was agreed that the first paragraph, 1. Short Term Rental Licenses, should be replaced with the following: "All applicants for Short Term Rental leases shall make application for a Short Term Rental License. This application shall require a public hearing with notification to the abutters."

With respect to (2)(c), *Local Contact Person*, it was agreed that the designated individual should live within a thirty-minute drive of the subject site. The Commission also agreed to strike Paragraph (2)(d) *Health Code*. The second paragraph in (2)(e) *Fire Safety*, regarding fire extinguishers, should also be struck.

The language under (3) *Exceptions* should have paragraphs (a), (e), (f), and (g) removed. The language should read, "Exceptions. Licenses for Short Term Rentals shall exclude Bed & Breakfasts, Hotels, Motels, dwellings owned by the federal government, the State, or any of their agencies, as facilities licensed by the State as health care facilities."

The Commission noted that a definition ought to be included to add one for the rental unit as the complete dwelling.

It was agreed that this regulation would be applicable and added to all of the Town's zones as a permitted use.

#### **4. DISCUSS / DRAFT PROPOSED CHANGES TO ZONING REGULATIONS.**

Discussion was brief regarding proposed changes to Zoning Regulations, with it being noted that the Commission may want to review whether to add sea containers as a defined permitted use with the creation of standards by which they may be reviewed. They should be located and reviewed as part of a site plan approval process.

#### **5. ADJOURNMENT:**

**MOTION:** Mr. Closson, Mr. Marchand second, to adjourn at 7:23PM; unanimously approved.

**Respectfully submitted,**

**Pamela A. Colombie**  
**Recording Clerk**