Members Present: Thad Presby (Chair), Cort Roussel, Keith Batchelder, Eric Meth, and Mary Grote

Others Present: Gene Young and John Franchitto

A regular meeting of the Franconia Planning Board was held on Tuesday, April 9, 2019, at the Franconia Town Hall.

The meeting was called to order at 7:10pm by Thad Presby.

The Board reviewed the minutes of March 26, 2019. There is a correction in the last sentence of the minutes. The word “related” should be changed to “relate”. Keith Batchelder made a motion to accept the minutes of March 26, 2019, as corrected. Second by Mary Grote. All were in favor and the motion passed unanimously.

Eric Meth presented the Planning Board with an outline that Alan Clark prepared and presented to the Select Board at their meeting, of the responsibilities and duties of the Selectmen, Planning Board and the ZBA related to land use issues. He talked about the difference between area variance, use variance, and special exceptions. He also talked about the four criteria of the accessory apartments—now accessory dwelling unit.

Thad stated he was of the opinion a zoning board only grants variances and the planning board grants special exceptions, because a special exception is an allowed use as long as you meet the criteria that is usually spelled out in the zoning. There are permitted uses in a district and then permitted uses by special exception. So, if you meet the criteria in a special exception, and it is not asking for a deviation of the rules or a hardship or a variance, the Board has to interpret if they meet those rules.

**7:15 PM – Public Hearing, Gene and Miranda Young, 2-Lot Major Subdivision, Toad Hill Road.** This public hearing was properly noticed and all abutters were notified. Gene Young was in attendance to present this matter to the Board. John Franchitto, the purchaser of the property, was also in attendance.

Thad stated this is the second public hearing for this subdivision. The Board voted at the last meeting to approve it conditionally, went through the checklist, and voted unanimously based on no further comment or information from the public.

Gene Young presented the plan and the mylar to the Board. The Board reviewed the mylar and Thad stated it appeared to be the same plan that was presented at the previous hearing. Thad stated that no abutters were present at the hearing and Mr. Franchitto had no comments.

Thad made a motion to approve the 2-lot major subdivision of Gene and Miranda Young as presented, second by Keith. All were in favor and the motion passed unanimously. Thad closed the public hearing at 7:24pm.

The Board had a brief discussion regarding how and if the town can regulate an Airbnb. It cannot be zoned out; however, you can regulate it based on life safety issues such as occupancy limit codes, having proper smoke detectors and carbon monoxide detectors, etc. Cort stated you could also have licensing or permitting fees so that the owner is required to register the Airbnb for a fee.

The Board had a brief discussion regarding the zoning regulations governing accessory apartments (Article III, Section 13). Thad stated he is going to do some research regarding the Stan Sherburn situation where they want to put in an accessory apartment. Stan was denied a building permit and was sent to the ZBA and not the Planning Board. Thad wants to look into what the procedure is. The Board was in agreement that because this unit is detached, the Sherburns will need a variance. Thad suggested that the ZBA should hold the special exception and variance hearings at the same time so the Sherburns would not have to come back again.

Thad agreed to attend the ZBA meeting on Wednesday (April 10th) to assist with this matter. The Board temporarily appointed Thad as a representative to the ZBA.

After a motion and a second, the meeting adjourned at 7:55pm

Respectfully transcribed,

Carol Wills