**Members Present**: Thad Presby, Eric Meth, Pat Garvin, Mary Grote, John Dimarzio and Monica Laflamme

**Also Present**: Larry Plate and Jack McEnany

A monthly meeting of the Franconia Planning Board was held at the Franconia Town Hall on Tuesday, May 10, 2022, at 7:00PM.

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

**Approval of Minutes -** Review of the April 26, 2022, minutes was accomplished.  One typo was noted and corrected.  Thad made a motion to approve the minutes of April 26, 2022, as written and corrected, seconded by Pat. All board members in attendance were in favor and the motion passed unanimously.

**Public Input:** Larry Plate asked a question regarding the Airbnb (short-term rentals) ordinance.  Larry suggested the ordinance be possibly amended to read, “owner occupied”.  Discussion on this suggestion took place.  Mary supported the discussion by pointing out that, before Airbnb, the bulk of the short-term rentals were owner-occupied.  Pat provided input that the recent Planning and Zoning Conference provided a Housing track in their training specifically on this topic. The training provided a 11-step guidance on what can be done now by the Board of Selectmen.  It was decided that it would be beneficial to provide a training opportunity for any board member interested on May 24, 2022, at 6:00pm in the Town Hall.  The Planning and Zoning Conference presentation, with audio, from the Planning and Zoning Conference housing track will be shown.

Jack McEnany came to the meeting to ask about what is going on with construction at the Fransted Family Campground.  He provided information that a permanent building was being erected to replace a tent and that it is a “nonconforming use”.  Jack noted that the building permit does not have any signatures or stamp by the Planning Board.  He also pointed out that it should have gone to the ZBA because it’s a zoning issue.  The campground was grandfathered into new zoning in the 1970’s and, under the grandfathering condition, no new structures are allowed. Thad confirmed that the building inspector called him and based on that discussion, they determined a site plan review by the Planning Board was not necessary.

A detailed discussion ensued to define the process of deciding if a project needs to come before the planning board. Mary explained that in the past it was common practice that if anything was controversial the project would informally come before the PB for discussion. Additionally, it was discussed how any questions for the Planning Board must be answered by the planning board and not brought directly to any individual board member for opinion or decision.

In the discussion it was pointed out that, hypothetically, had this discussion happened with the whole of the board, it might have been sent to the ZBA for a decision on a possible variance. Pat pointed out that it was a grandfather, non-conforming use in a residential district. In the planning board training, it was clearly defined that the PB members are not authorized to advise or discuss PB matters outside of a public meeting of the PB. It was brought up that a cease-and-desist order might need to happen.  Additionally, it appeared to be a conflict of interest that Presby Construction was involved in the project because Allan and Thad discussed this project outside of a Public Meeting. At that point Thad acknowledged message received.

After Jack finished his input and left, this discussion brought up a bigger discussion by the board members to clearly define the process when this type of situation occurs. Mary reiterated the past informal process of having a discussion with the PB before moving forward with projects that weren’t defined in any regulation.  Monica reiterated that, as a board, we are not supposed to investigate or have any preconceived opinions on any project prior to it being presented to the PB at a public meeting.

From the extensive discussion, it seemed apparent that decision makers are not fully cognizant of all the zoning issues involved and examples from the past given.  Thad explained the process that if the building permit had been denied, the campground could have gone to the ZBA for a variance. The issue of cease-and-desist was discussed and Eric, as the BOS representative, would take this to the Town Administrator because only the BOS can order a cease-and-desist. If ordered, it would only put the project on hold until the ZBA meeting on May 26, 2022.

**Rules of Procedure Update –** Update was given to the board on the distribution and filing of new and approved Rules of Procedure.  Monica scanned and distributed Rules of Procedure to all board members via email on May 4, 2022.  Monica also filed the original signed copy with Carol at the Town Hall with Carol.

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**Regional Housing Needs Assessment 2022 Municipal Questionnaire –** Monica updated the board on the submission of the Municipal Questionnaire.  After last meeting, the Planning Board answers to the questionnaire was drafted and distributed on May 4, 2022, for review and feedback. Final Planning Board Municipal Questionnaire was updated with agreed upon feedback and submitted to the North Country Council via email on May 6, 2022. The board received email confirmation receipt by Kaela Tavares the same day.

There being no further business to come before the Board, the meeting adjourned at 8:20 pm.

Respectfully submitted,

Monica Laflamme