

**FRANCONIA BOARD OF SELECTMEN
MEETING MINUTES
Wednesday, March 15, 2017**

A meeting of the Franconia Board of Selectmen was held at 4:00 pm on Monday, March 13, 2017 at the Franconia Town Hall. Regular members in attendance were Bernie Costa, Eric Meth, Jill Brewer, Holly Burbank and Herbie Bartlett.

Guests of the Board: Rick Gaudette, Mac Cashin, Allan Clark

FOR CONSIDERATION OF APPROVAL:

BOS Minutes for 3/13/17: Not Approved by the Board

4:00 pm Airbnb (41 Timber Lane)- Allan Clark wants to figure out how to proceed. The Airbnb's were discussed. There is a significant issue with the one located at 41 Timber Lane. A single family is allowed. Do you have the right to rent your home as a single family home? You have the right. There are a couple of issues which are zoning issue and life safety issue. The neighbors are not happy with this Airbnb. Zoning is to protect the integrity of the neighborhood. It is a nationwide problem. Rentals of seasonal properties have gone on forever in this town usually handled by a local real estate agent. Airbnb's are done on line and owners are never there. Under the fire code it is a rooming house. Rick said we could site them on the fire code issues and they could fix it the next day. When the inspection was done they were in violation of smoke detectors, carbon monoxide detectors, the doors were locked with a key and a deadbolt throughout. There is a gas line issue and now they have a woodstove that is added since they were there the first time which is located near the gas line coming in.

Allan just went in again for a medical emergency and that is when he saw the woodstove installed in the basement near the gas line. It is a matter of time before something happens.

We need to get the owners in to talk to them. There is a punch list that has to be done. The owners stated that the property is owner occupied but we are not seeing that. They claim residency but the live in Cambridge.

There are between 35-39 Airbnb's in our town. This owner collects the room and meals tax but they do not pay it. It affects the town.

Life Safety issues of Airbnb's were discussed. We need to have better controls on this before there is a serious issue. There has been a formal complaint from neighbors. We do have a parking ordinance in winter. There needs to be control of the process to whatever the town wants it to be. It is not allowed by zoning and we have issues there.

The Board will work with the Planning Board to come up with recommendations that we can consider. It's the Planning Board's responsibility to address this. Anyone can petition the town in regards to the zoning law. Two public hearings will have to be advertised and then it goes to a vote if put in by petition.

We can enforce the zoning for a short term remedy. The life safety issues have to be addressed and this is why we need to speak with the owners. A legal proceeding can happen if they do not cooperate. It is a state law that can be enforced and we can fine them.

We may have the town attorney, Laura Spector Morgan, get involved with this. Allan can issue the cease and desist and then it goes to Superior Court. It is served and the court holds a hearing the court determines if they are following zoning. Life Safety is under the Fire Chief. He has a different process. He would work through the fire Marshalls Office. We should get the Fire Marshall involved. Rick will make a call. He will explain what we are up against. Fire Marshall will tell us how to go about this. He could give us words of wisdom on this.

We ask to go into the home and they refused by ignoring the letter. The next step is administrative warrant to allow the inspection for fire code issues. The Fire Marshall will only give advice. Fire Chief has the authority and the Fire Marshall assists. He cannot file anything against them but will help with the process.

Contacting our lawyer and get an administrative warrant to get in and have them come to the meeting. Another inspection will be done. They did make some changes from the last meeting. The Fire Chief told them previously the woodstove would not work and already told them about the gas line that they didn't have clearance.

Holly will do a letter. They work at Cannon as ski instructors supposedly. They will need to contact us within a week's time. Holly will call into the State to see if they are registered for a room and meals tax.

FOR DISCUSSION:

Northern Pass Letter to Businesses - Letter and questionnaire was reviewed and discussed. All letters must be submitted to the town by Monday, March 20th.

Cannon is not for or against...they have no position regarding Northern Pass.

The meeting adjourned at 5:15 pm.

Respectfully submitted,

Herbie Bartlett
Executive Secretary