

BOARD OF ADJUSTMENT

March 7, 2023

MEMORIAL BUILDING

7:00 P.M.

Zoning Members present: Susan Chiarella, Tanner Jacques, Rob Thorp, Bryan O'Day, Cody Patten and Steve Dzubak (alternate).

Also present: Matt Ruppel, Todd Ruppel, Jonathan Silver, Phil DeConinck, Lori DeConinck, Jeremiah Crosby and Whit Smith

Susan called the meeting to order at 7:00 p.m. the Board members introduced themselves. Susan stated that all voting members were present so those would be the members voting on any decisions.

Minutes of Feb 7th approved as written, Susan abstained from the vote as she was absent.

At 7:05 Susan reopened the Acoin/Ruppel Hearing.

Susan stated that the Board had requested and received a Waiver of Time from Acoin/Ruppel and requested that Matt sign it even though the request for continuance was made by the applicant due to missing Board members at the February meeting. Susan then summarized the progress due to the amount of time that had passed since the hearing began in September. Original occupancy was 8 to which Greg had agreed to reduce to 4, Matt thought that was a temporary reduction until a decision was made on the request. Tanner voiced that he was under the impression that the reduction was a permanent change in occupancy numbers. A hot tub was installed on the property without a permit which is now being taken care of both through the Town with a Special Exception and a Shoreland Permit with the State. Letter from Steve at Septic Pro stated that the septic was designed allowing for 4 occupants in each of the 5 residences on a seasonal basis. Email from Jonathan Silver to Steve at Septic Pro was read into the minutes (see below). And the response from Steve (also below)

Subject: Re: Enviroseptic Warranty - Sandy Beach Rd. Springfield

Hi Steve,

As I have been unsuccessful speaking with you live, below you will find information for your review.

I have been attending monthly town zoning meetings since September 2022 to object to the request of Mr. Aucoin and Mr. Ruppel at 15 Sandy Beach Rd. to operate a short term rental guest lodging business.

All of the neighbors object to their request for the following reasons.

They have been renting the home out to upwards of 8 people and the system was designed for 2 bedrooms x 5 homes = 10 people total for the whole road.

Although Aucoin/Ruppel verbally agreed with the town to reduce the capacity from 8 people to 4 people they continue to rent out to upwards of 8 people.

We do not have transparency to monitor how many people are renting the home. We have been asked by the town to trust that Aucoin/Ruppel will abide by renting to 4 people. They have not lived up to their agreement and we find it hard to trust them on their word.

We are concerned that the system could get overloaded and/or our warranty would be null and void due to negligence.

The next town zoning meeting is Tuesday Feb 7th.

It would be helpful if you could reply to this email and weigh in on this matter.

Thank you,

Jonathan
Jonathan Silver
27 Sandy Beach Rd.
Springfield, NH

Hi Jonathan,

I'm sorry, I am always in and out of the office, but email is a great way to communicate when I can't be reached. I will always respond.

Of course, I am not enforcement, but I understand what you are asking.

The approval is based on 5-seasonal, two-bedrooms dwellings.

The flows are based on two people in each bedroom which is 10 bedrooms @ 2 people in each bedroom (20 total).

The system is designed for that flow. Using more flow than the system is designed for taxes the system and can overload it.

You guys seemed to have a very tight knit group of people on that little street, so I am sorry to see you having unrest. I would recommend a land use attorney, which I am not. Based on my experience, if the homeowner is not exceeding the state allowances per their permits, the property owner is allowed to use their house for up to what the permit allows, which in this case would be two bedrooms (four people). If a property owner exceeds that number, then you have an enforcement issue. I have been seeing quite a lot throughout the region, but the state hasn't caught up with the whole Air BnB thing. As I mentioned, you may want to speak with a land use attorney.

I hope this helps. If you have more questions, please ask. I'll answer your wastewater system and/or use questions as best as I can.

SepticPro, LLC

Stephen Pro

PO Box 364
Keene, NH 03431
NH: 603.357.1300
VT: 802.254.5400
Email: Steve@thesepticpro.com

Susan recognized Phil DeConinck who shared that years ago prior to Jonathan Silver owning his home it was rented out and there were more than 4 people in it causing all kinds of noise and disturbances in the neighborhood. He also pointed out that the house above the house in question located on 114 is being rented out and the neighborhood is experiencing the same type of issue, partying, loud voices, profanity among other things.

Susan recognized Lori DeConinck who voiced her concern that once the home becomes an AirBnB there will be septic issues.

Susan recognized Matt who stated neither he nor Greg have any intention to allow unruly guests. Susan asked him how they screen guests, Matt responded that potential guests send an inquiry to the website, he or Matt then view the applicants reviews from past property owners, verify the number of guests to be within the allowed number. Susan asked how often he or Greg come up to the property, weekly if not more often, Greg is closer so he visits more often.

Susan recognized Jonathan Silver shared that on Jan 9th he sent an email to the Town because there were more than 8 people renting the property. (see below)

On Mon, Jan 9, 2023 at 12:08 PM Jonathan Silver <jsilverllc@gmail.com> wrote:
Dear Town Zoning Board,

The neighbors of Sandy Beach Road would like to file a grievance with the town regarding the Aucoin Ruppel Airbnb Rental property.

This past weekend there were 3 cars with NY plates at the house.

Below and attached you will find a current listing of the property noting ample sleeping arrangements for 8 people and a picture of the 3 vehicles at the property.

To confirm that the owners are in compliance with the current understanding to rent to no more than 4 people we would like to see an Airbnb transaction record from this weekend.

The Space

Beautiful lakeside cottage with open living area **and ample sleeping arrangements for 8 people.** 1 bathroom with shower.

https://www.airbnb.com/rooms/679851434780054843?adults=2&check_in=2023-04-08&check_out=2023-04-15&source_impression_id=p3_1673199253_oy8TcpU1FIdIRdNA

Sincerely,

The neighbors of Sandy Beach Road

Jonathan Silver LLC
jsilverllc@gmail.com
203 331 6826

Susan recognized Matt who questioned how 4 people living full-time in a house equal 4 people renting for a weekend.

Tanner moved to close the hearing, Rob seconded, Board voted in favor of closing the hearing and deliberating.

Susan began the deliberations by asking for a list of facts.

1. Septic is designed for 4 occupants.
2. If the owners were to be living there the number would be greater than 8.
3. There is no Association set up for the septic.
4. 4 renters will not burden the septic more than 4 full-time residents.
5. Other homes on the street could have more than 4 people.

Susan asked for possible conditions that could be included in a decision if the Board decides to grant the approval.

1. 3 night minimum
2. No campers/RVs
3. Bi-annual inspection
4. Pumping of system

Steve stated he believed that Greg had paid for an inspection and pumping of the system and that an inspection had not been done since the installation.

Susan moved through the 5 criteria required to approve the Special Exception

1. The proposed use would not be detrimental to the character or enjoyment of the neighborhood by reason of undue variation from the character or appearance of the neighborhood because: Occasional rentals and only to small groups.

2. The proposed use will not be injurious, noxious, or offensive, and thus detrimental to the neighborhood because: Screening of guests and monitoring of strict rental agreement.

3. The proposed use will not be contrary to the public health, safety or welfare by reason of undue traffic congestion or hazards, undue risk to life or property, unsanitary or unhealthful emissions or waste disposal, or similar adverse causes or conditions because: Owners will be visiting and cleaning weekly, and monitoring all safety standards.

4. The location and size of the proposed use, the nature and intensity of the operations involved, the size of the site in relation to the proposed use and location of the site with respect to the existing or future street giving access to it shall be such that it will be in harmony with the orderly development of the District because: Only occasional use and ample parking.

5. The operations in connection with the proposed use will not be more objectionable to nearby properties by reason of noise, fumes, odor, or vibration than would be the operation of any permitted uses in the District which are not subject to Special Exception procedures because: No excessive noise or offensive use.

Tanner made a motion to Grant the Special Exception Application from Gregory Aucoin and Matthew Ruppel to operate a short term rental and guest facility business at 15 Sandy Beach with the following conditions: occupancy is limited to no more than four guests, vehicular parking is limited to two vehicles, parking of campers or RV is prohibited, quiet hours are to be observed between 10:00PM and 7:00AM, applicants will complete an initial inspection of the shared septic system. This approval is subject to satisfactory Planning Board Site plan review.

Jonathan Silver asked about filing an appeal. He was informed that any appeal needed to be done with 30 days of the posting of the decision which would be March 8th.

At 8pm Susan opened the Special Exception hearing submitted by Mike Hansen which was continued from the February meeting. She stated that she would be recusing herself. Tanner, as acting chair requested Steve Dzubak act as a voting member in Susan's absence, he agreed. The Board thanked Susan for her many years of service. She in turn thanked Bryan as well since he too has decided to not run for re-election. Whit voiced his thanks and that of the Town for the time and talents by Susan and Bryan had given to the Zoning Board.

The Board then reviewed the application from Mike Hansen to operate a boat/trailer storage business on a lot that he owns located on Hansen Road. Finding the application complete Rob made a motion to accept the application, Cody seconded, Board unanimously approved.

Mike reviewed what he planned to do: Interior boat storage, no additional activity ie. shrink wrapping, traffic limited to when the boats arrive for storage and when they leave to be used over the summer months.

Tanner moved through the 5 criteria required to approve the Special Exception

1. The proposed use would not be detrimental to the character or enjoyment of the neighborhood by reason of undue variation from the character or appearance of the neighborhood because: Business in the area has been operating since 1998.

2. The proposed use will not be injurious, noxious, or offensive, and thus detrimental to the neighborhood because: Storage only.

3. The proposed use will not be contrary to the public health, safety or welfare by reason of undue traffic congestion or hazards, undue risk to life or property, unsanitary or unhealthful emissions or waste disposal, or similar adverse causes or conditions because: No excess traffic or hazards.

4. The location and size of the proposed use, the nature and intensity of the operations involved, the size of the site in relation to the proposed use and location of the site with respect to the existing or future street giving access to it shall be such that it will be in harmony with the orderly development of the District because: Long standing history of entrepreneurial in the area.

5. The operations in connection with the proposed use will not be more objectionable to nearby properties by reason of noise, fumes, odor, or vibration than would be the operation of any permitted uses in the District which are not subject to Special Exception procedures because: Business activity fits in the area.

Rob made a motion to grant the Special Exception Application by Mike Hansen to operate a Boat Storage Business located on Hansen Road. Any change in use will require a new Special Exception. Steve seconded motion; Board unanimously approved.

Meeting adjourned at 8:15pm

Respectfully submitted,

Tamara Butcher