Information Regarding Proposed Land Use Ordinance Revisions for 2021 Town Meeting:

The following is an annual statement in the Town Report regarding the purpose of the Planning Board:

“Throughout their deliberations Board members, using the town’s Master Plan, Land Use Ordinance, and Subdivision Regulations and Procedures for guidance, have tried to keep to this purpose: to avoid scattered and premature subdivision of land and to provide for the harmonious development of the municipality and its environs in general, which will create conditions favorable to health, safety, convenience, and prosperity while avoiding an excessive expenditure of public funds for the supply of public services.”

The Planning Board continually reviews the town’s regulations in the documents noted above. The Board of Selectmen brings many issues to the Planning Board that they believe need to be addressed through additional regulation or clarification. Individual property owners often share concerns as well. Many issues have been under consideration for a number of years such as Short-Term Rentals and the proliferations of private campsites, or “private campgrounds,” in town. Another ongoing concern for the town has been enforcement miscommunication and misinterpretation.

It has become increasingly clear that many are unfamiliar with the Land Use Ordinance, which is Jefferson’s zoning ordinance, originally approved in 1987. These are the allowed uses in the town:

ARTICLE III PERMITTED USES. SECTION 1. PERMITTED USES

All land uses consistent with the stated purpose of this Ordinance are permitted in the Town of Jefferson, including single-family dwellings, two-family dwellings and pre-site built or manufactured housing units, and the buildings incidental to the permitted use, swimming pools (public or private).

That’s all that is specifically allowed with a regular building permit from the town. Campgrounds, public or private, of any size are not an automatically allowed use, nor are short-term rentals. Other uses are allowed under specific conditions and after approval by the Board of Adjustment:

SECTION 2. PERMITTED USES BY SPECIAL EXCEPTION

The following additional uses may be permitted by the Board of Adjustment (see Art. VII) and shall be considered as Special Exceptions:

A. Motels, hotels, tourist accommodations and lodging units, nursery schools, clinics, hospitals, nursing homes, rest homes, public utility buildings, retail and wholesale stores, parks and recreation areas, cemeteries, greenhouses, private clubs, golf courses, riding stables, restaurants, sawmills, camps, homebased businesses, small businesses, telecommunications equipment and facilities, accessory dwelling unit. (Hotel, motel, tourist accommodations and lodging units shall be defined in the strictest sense and shall not be considered in the context of condominium conversion).
B. a Home-based Business is defined as follows: 1. The business will be clearly secondary to the use of the property as a home. 2. The business must be carried on by an occupant of the dwelling, usually the owner or a member of the owner’s family. 3. Only one non-occupant may be employed in the business. 4. The business shall not substantially alter the outside appearance of the property. 5. No objectionable effects result from a Home-Based Business, such as, but not limited to, noise, traffic, dust. 6. The business does not create a commercial atmosphere.

C. a Small Business is defined as follows: 1. Business limited to 25 employees or fewer. (amended 1993) 2. No objectionable effects shall result from a Small Business, such as, but not limited to, noise, traffic, dust. 3. A Small Business does not create a big business atmosphere. 4. A Small Business may include but not be restricted to, a small woodworking shop, machine shop, assembly shop, office work, research and development, warehousing.

D. Excavation...

The Board of Adjustment has approved a few campground proposals over the years after a public hearing with proper abutter notice as it reasoned that campgrounds fell under “tourist accommodations and lodging units.” Individual short-term rental properties have also been approved by special exception. Special exception approvals nearly always come with conditions after review and input from abutters. The special exception criteria are located in Article VII in the Land Use Ordinance:

C. May make a special exception, subject to appropriate conditions and safeguards as determined by it in NH 674:33. In acting on an application for a special exception, the Board shall take into consideration:
(1) The proposed use shall be one permitted by this Ordinance as a special exception. (2) The specific site is an appropriate location and of adequate size for such use. (3) This use will not adversely affect the adjacent area. (amended, March, 2011) (4) The proposed use will be in keeping with the stated purpose of this Ordinance.

The State of New Hampshire considers a campground or RV park a subdivision under RSA 485-A:2

XIII. "Subdivision" means the division of a tract or parcel of land into 2 or more lots, tracts, or parcels for the purpose, whether immediate or future, of sale, rent, lease, building development, or any other reason

Also relevant is RSA 216-I, Recreational Campgrounds and Camping Parks:

VII. "Recreational campground or camping park" means a parcel of land on which 2 or more campsites are occupied or are intended for temporary occupancy for recreational dwelling purposes only, and not for permanent year-round residency, excluding recreation camps as defined in RSA 170-E:55, I.

After many meetings, much debate, many drafts and revisions, legal review, and a public hearing that was noticed on the town website, multiple locations around town, and two large advertisements in the Coos County Democrat, the Planning Board approved three Land Use Ordinance revisions to be voted on at Town Meeting 2021.
Article 02 adds definitions for RVs, Campgrounds, and Short-Term Rentals. It also reinforces short-term rentals as a type of “tourist accommodations and lodging unit.”

Article 03 adds Recreational Vehicles as an approved use in the Town of Jefferson. If this article does not pass, they are not an approved use outside of an approved campground. Much research and debate was done to come up with criteria that would hopefully be fair to all property owners and abutters as well as addressing health and safety concerns. The selectmen specifically wanted the notification aspect of #4, which reinforces existing state law requiring that unregistered recreational vehicles be assessed as real property subject to property tax.

Article 04 addresses the Building Codes and Enforcement sections of the Land Use Ordinance. Section 8A regarding the NH Energy Code has been a part of the Land Use Ordinance since 2005. It is not new. The new sections B and C were written with input from the selectmen and Fire Department. The primary goal is to inform applicants that there may be many boards and entities involved in any building project. The Approvals section under Article VI of the Land Use Ordinance was revised to be clearer than currently written. Unfortunately, some of the revisions were not translated correctly to the warrant, thus it does not read as well as it should. Section E is new, but again only reinforces that additional approvals may be required for certain projects regarding the NH Fire Code.

When these proposals were reviewed by the town’s municipal attorney, she asked why some of the items were being added to Jefferson’s ordinance since they were already state law. The Town felt that many of these items were important to inform property owners of potential issues they may face in a building or development project.

All are encouraged to compare the proposed revisions with the existing Land Use Ordinance:


The Planning Board continues to work on behalf of the Town to improve our existing regulations while respecting private property rights of landowners and abutters. All meetings are public and minutes are posted on the Town website. Comments and suggestions are always encouraged.

Sincerely,

Jefferson Planning Board