

**Town of Jefferson**  
Office of the Planning Board

**Minutes**

January 26, 2016

**Members present:** Chairman Gordon Rebello; Donna Laurent, Gil Finch, Jeff Young, Jason Call, alternate; Cindy Silver, alternate; Kevin Meehan, Selectmen's representative

**Absent:** Charles Muller, Michael Meehan

**Others present:** Charlene Wheeler, Board secretary, Edith Tucker, Tara Bamford, Tom Walker, Chris Milligan, Chris Gainer, Barry Nelson, Tim Sutherland

Jason Call and Cindy Silver in the absence of regular members were designated voting members for this meeting.

**Minutes**

Jeff Young made the motion to approve the minutes of the January 12, 2016 meeting, seconded by Donna Laurent. The vote to accept the motion was unanimous.

**Consultation – Christian Gainer – Pure Joy Properties, LLC  
Lantern Resort Expansion**

Chairman Rebello began the consultation with Chris Gainer saying the discussion was preliminary, informal, non-binding, and no votes would be taken. Tara Bamford was introduced who had been invited to the meeting to advise the Board. She is the planning director for North Country Council, has worked in New Hampshire since 1988 and has been with North Country Council since 2007. Last fall, Mr. Gainer was denied a building permit by the Board of Selectmen to build a structure approximately 37' x 20' for use as a rental guest cottage on Map 5, Lot 7, as an addition to the Lantern Inn Resort & Campground. Mr. Gainer showed Planning Board members a plat of the combined holdings of Santa's Village and Pure Joy Properties, LLC. The Lantern Resort property is approximately 42 acres, with 15 acres +/- currently developed as the campground, motel, pools and accessory buildings. The new proposal involves expanding the developed area on the remaining 27 acres. Mr. Gainer proposes to build approximately 38 units. He proposes to build larger cottages than the "recreational camping cabins" as defined under NH RSA 216-1:1 VII as 400 square feet or less. The new building would be approximately 700 square feet insulated cottages, with central heat, two bedrooms, a full bathroom, and kitchen to be occupied as a vacation rental unit for no longer than two weeks at a time. He stated the alternative would be to create additional campsites and place portable park model trailers on the property qualifying the property as a campground and allowing for the placing of many more units.

Ms. Bamford said this proposal would be an expansion of a non-conforming use and would require a special exception from the Zoning Board of Adjustment. Limiting a camping cabin to 400 square feet or less is not necessarily a hard and fast rule but planning full kitchen facilities, bathrooms, etc. including winterization of the units creates

a potential for year-round housing units, which could possibly be converted to condominiums. The proposed development could be closest to cluster housing as defined under Article IX in the Land Use Ordinance. However, in a cluster housing development there is potential for future sale as individual lots or units. This can be considered cluster housing and there is potential for future sale as individual family units. She felt this could be addressed by setting a series of conditions on the development. Unfortunately, Mr. Gainer did not have any conceptual drawings of his plans other than a plat of the property. Donna Laurent said the Board members thought a camping cabin couldn't be any larger than 400 square feet, there was confusion on that point. Kevin Meehan said the structure being proposed by Mr. Gainer puts the proposal in a different category. Ms. Bamford said there should be enough conditions placed on any approval to ensure it remains as vacation rental units. The Zoning Board of Adjustment has the power to do that. Each structure would be on a "site". She referred to section 2.9 of the Subdivision Procedures and Regulations which state in part: "The division of a lot, tract or parcel of land into two or more lots, plots, sites or other divisions of land for the purpose, whether immediate or future, of sale, rent, lease, condominium conveyance or building development." This is a subdivision but without property lines being drawn. If the property is sold at some future time, units couldn't be sold separately.

Donna Laurent asked about safety issues. Chris Milligan, Fire Chief, said the new development needs to have adequate access to accommodate emergency vehicles. A large, easily accessible source of water is very important; maybe a water cistern needs to be considered. However, it is very difficult for him to be specific without a detailed site plan. Fire hydrants aren't an option as the town has no pressurized water system. Jason Call said he was concerned about access to the site. At present there is only one coming in and out. Barry Nelson said it all depends on the plan as to what should be required to address safety issues, however, there are various codes and standards that would be considered. The fire chief does have the authority to propose trade offs for example sprinklers in units could be installed in the units or dry hydrants installed with large pools. There are lots of calculations that can go into it, but again it was hard to say without a specific site plan. Also the NH Department of Environmental Safety (NHDES) would be involved with water and sewer plans. The presence of wetlands may also become a possible issue.

Under Article V, Section 2, of the Land Use Ordinance, the amount of land needed for a cluster housing development is determined by calculating the net tract area and dividing by the minimum lot size of two acres. The net tract area subtracts from the land area all non-buildable land, including wetlands, flood hazard area, poorly drained soils, all area required for roads, and all area with a slope of 20% or greater. Thus, the undeveloped 27 acres on the property could have a maximum of 13 units, not the 38 units Mr. Gainer is proposing. Donna Laurent thought a common area in a cluster housing development could have accessory buildings, etc. Mr. Gainer said he didn't want to limit himself as to what he could add for public use such as a restaurant for example or other recreational facilities. There is an additional 120 acres of land abutting this lot owned by Santa's Village, Inc. but Mr. Gainer said he didn't want to expand into that area at present. The plan is to develop this area over a period of five to ten years. A special exception would

certainly have to be granted to operate a business and a variance with conditions in order to accommodate Mr. Gainer's plans. Mr. Gainer said his plan has advantage to the town. Increased tax revenue and increased income from longer tourist visits being two.

In order to obtain a variance from any regulation, Mr. Gainer would have to prove hardship to the Zoning Board and Ms. Bamford said this would be a big hurdle for new development. Jason Call thought the proposal would still need to go to the Planning Board under the definition of subdivision. Ms. Bamford said the main question to be resolved is whether this proposal is for a subdivision with dwelling units or if the new cottages are "tourist accommodation and lodging units" permitted by special exception. There is also concern as to whether the units could be sold separately in the future. There would have to be conditions placed to prevent this from happening. . The town would want an attorney to help write the language of the conditions being set. Mr. Gainer asked if he could come back to make a change in the plan once approval is given and conditions set? Ms. Bamford said the town would still want the conditions. Kevin Meehan said setting such conditions would allow options for development and would protect Mr. Gainer and the town. Ms. Bamford suggested Mr. Gainer submit an application with specifics plans asking for a special exception to the Zoning Board of Adjustment. Jason Call said Mr. Gainer should check Section VII of the Land Use Ordinance dealing with the Zoning Board. Ms. Bamford said the Zoning Board is where conditions would be set. The Zoning Board of Adjustment's approval should also be conditioned on Planning Board, NHDES, NH Department of Transportation, and fire chief approval. If Mr. Gainer wanted to expand beyond further he would have to come before the Zoning Board again with a new application. Tim Sutherland said there also are hoops to jump through with NH DES with regards to wastewater disposal, water supply, soils, and drainage.

The Board thanked Ms. Bamford for attending the meeting. She, Chris Gainer, Chris Milligan, Barry Nelson, Tom Walker, and Tim Sutherland left the meeting.

Jason Call said driveway permits from Route 2 weren't discussed and could be an issue. Kevin Meehan said the land could be accessible from North Road as well. This should be considered in the plans.

### **Communications**

The town library building committee has asked for time to present to the Board an update of plans for the new library building. The Board's February 9 meeting is primary voting day and there may be some interruptions by officials in and out of the town office plus the Board has a hearing scheduled so the committee will be invited to the February 23 meeting.

A date of Saturday, April 23, was announced for the Annual Spring Planning and Zoning Conference to be held in Concord at the Marriott. More details will follow.

Copies of Selectmen's minutes were circulated.

The January/February issue of *Town and City* was circulated.

### **Unfinished Business**

Chairman Rebello said he had spoken to William Perkins about the letter of credit for the Lieberum subdivision. Mr. Perkins said the letter had been mailed on the previous Friday and should be in the Board's hands this week. The Board secretary will follow up if isn't received by the end of this week. Mr. Perkins also indicated that Eversource should be starting on installation of utilities in the spring.

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Jason Call made a motion to adjourn the meeting, seconded by Jeff Young. The meeting was adjourned at 8:38 p.m.

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Charlene Wheeler  
Secretary to the Board