**Town of Jefferson**

Office of the Zoning Board of Adjustment

**Minutes**

October 13, 2022

The meeting was called to order at 7:35pm.

**Members present**: Chairman Kim Perry, Jason Call, Tom Walker, Rodney Houghton, Wayne Bilquin, alternate

**Absent**: Biff Wyman

**Others present**: Charlene Wheeler, Board secretary; Brenda and Robert Roy, Sharon and Brian O’Leary, Diane, Scott and Dakota Gahan, Diane Allard, Craig Clukay

In the absence of a regular member, Wayne Bilquin was designated a voting member for this meeting.

**Hearing – Ziegler**

Chairman Perry opened the public hearing for an application from Connor Ziegler of Red Brook Retreat, LLC who is proposing to operate a short-term rental at 85 Red Brook Road, Map 14, Lot 42F. The property is not Mr. Ziegler’s primary residence. Chairman Perry read the application. Mr. Ziegler was unable to be present at the hearing. The Board secretary said she had met with Mr. Ziegler at her office on September 19 to discuss his application so may have some information if needed. There were abutters and additional property owners on Red Brook Road who were at the hearing to express their views. The Board also had received a petition a few days before this hearing signed by most of the property owners along Red Brook Road expressing their opposition to the proposal which is attached to these minutes. All signatures were dated beginning early in the month of June except for one in early July. Mr. Gahan, an abutter, was the first to speak. The first many said they learned of Mr. Ziegler’s proposal was when they received notices or were informed by someone who had. Notices had been mailed on September 26, 2022, to abutters as defined in the Land Use Ordinance. He produced a copy of a website ad for the rental with a review of someone’s stay this month already and showed a calendar with blocked out dates which he speculated were reservations already booked into the winter months. He said it was already being rented without Board approval. How could Mr. Ziegler be trusted to comply with any promises made was the picture which was created? The Board secretary reported she had seen the ad and was told by Mr. Ziegler when she spoke to him on the phone these were friends. Mr. Gahan said the people staying this past week weren’t friends or family overseeing work being done. He suspects that the occupants were renters as work vehicles were seen at other times other than when they were there. Also, Mr. Gahan insisted that this was not the only rental property Mr. Ziegler owned.

If something happened on the property who would be called? The Board secretary said Mr. Ziegler said he is employing local people to monitor and maintain the property. Their names were not known at this time. A larger company would oversee rentals and check the background of all renters. There is a security system with cameras installed. Abutters expressed concern about police coverage. The town has two constables on call and depend on the state police for help.

The house is listed as a 3-bedroom rental for up to 12 people, which raised concerns regarding septic disposal overload. Others wondered if the house was going to be a “party house” as some larger, non-owner-occupied short-term rental have become. Some who had seen the interior of the home expressed reservations to that number concerned about possible fire safety issues.

But their biggest objection was about Red Brook Road itself which all of them share responsibility for as property owners, particularly the liability if someone is injured as well as increased need for maintenance. The road was created by the Planning Board as part of subdivision. It is a road allowing public travel but is not a town road maintained by the town. Each owner of a lot owns an interest in the road and is responsible for a share of its maintenance. There were complaints of cars parked on the side of the road and cars traveling at an unsafe speed on the road associated with people who they say were renters staying at the property. Abutters and neighbors also expressed concern at the cost of increased traffic and its effect on the road and would all the property owners be liable if some renter was injured while on the road. The Board secretary asked wouldn’t traffic also increase if someone were living on the property full time as either owners or a party with a long-term lease. They said they consider themselves a small, quiet, residential, community along this road and felt this business would disrupt it. The impact might be slightly different if the lot were at the beginning of the road instead of almost at the end of its length. The Board secretary asked if the Board might consider continuing the hearing at a future date until answers might be forthcoming about some of these questions. But the Board chose to continue the hearing. There being no other questions or comments, Chairman Perry closed the public portion of the hearing and the Board began deliberations.

Jason Call led the Board in going through the four criteria needing to be met in to grant the Special Exception.

The proposed use shall be one permitted by the Land Use Ordinance. Yes. Short-term rentals are tourist accommodations and lodging which are permitted, under Article III, Section 2 of the Land Use Ordinance.

The specific site is an appropriate location and of adequate size for such use. The Board discussed that perhaps the number of renters allowed at one time should be lower, maybe 8, to be more conforming with septic regulations and short-term rental occupancy limits in other towns. This could be stated as a condition as well as requiring safety inspections, etc. However, Red Brook Road renters would have to travel a quarter mile from Rt. 115 on the private road to reach the property. It is a private road approved by the Planning Board but not owned or maintained by the town. The proximity of the property to abutting residences was also considered.

The use will not adversely affect the adjacent areas. What is the impact of added traffic and the questions of liability to other property owners? The property being rented is not on a town road. Increased traffic unfamiliar with the road and the neighborhood as well as noise and other tourist/vacation activities have the potential to adversely affect the neighborhood.

The proposed use will be in keeping with the state purpose of the ordinance. Mr. Ziegler states in his application renters can enjoy the beauty of Jefferson and add to its economy while employing local people. It isn’t intended to be a party house but geared towards families. The purpose of the Ordinance was read (ARTICLE II), along with considering the Master Plan, it’s purpose is “to promote the health, safety, economic and general welfare of the inhabitants of Jefferson; to protect the value of property, to prevent overcrowding of lands; to conserve our natural resources; to avoid undue concentration of population, and to facilitate the adequate provisions of other public requirements”. Some concerns were discussed.

Jason Call made the motion to deny the application based on not passing 2, 3, and 4 of the Special Exception criteria. The site is not an appropriate location and of adequate size for such use, the use will adversely affect the adjacent area. The proposal conflicts with a portion of the purpose of the Ordinance. The motion was seconded by Tom Walker. The vote to approve the motion was unanimous.

The property owner Mr. Ziegler has 30 days to appeal the decision. Those attending the meeting thanked the Board and left.

**Other Business**

The Board secretary updated Board members on possible new applications, two campgrounds and one short-term rental. They also examined a building permit from Heartwood Public Charter School for the placement of two yurts on the property. Safety inspections should be done and the town’s administrator is contacting Chief Milligan.

**Minutes**

Jason Call said reference to the canopy on the Cameron property not needing a Variance be deleted from a sentence in the August 11, 2022, minutes. Jason Call made the motion to approve the minutes as amended, seconded by Rodney Houghton. The vote to approve the motion was unanimous.

**2023 Budget Request**

The Board secretary presented the figures for the Zoning Board of Adjustment’s request including an increase in salary for the secretary. Kim Perry made the motion the Board approve the request of $4500 for 2023 and express its support for an increase in the secretary’s salary to the Select Board. Tom Walker seconded the motion. The vote to approve the motion was unanimous.

Jason Call made the motion to adjourn the meeting, seconded by Tom Walker. The meeting was adjourned at 9:00 pm.

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Charlene Wheeler

Secretary to the Board