**Town of Jefferson**

Office of the Zoning Board of Adjustment

**Minutes**

November 10, 2022

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

**Members present**: Chairman Kim Perry, Jason Call, Tom Walker, Biff Wyman, Wayne Bilquin, alternate

**Absent**: Rodney Houghton

**Others present**: Charlene Wheeler, Board secretary; Connor Ziegler, Zackary Hawkins, Brenda Roy, Michelle C. B. DeMontigny, Michael LeDesn, Scott Gahan, Diane Allard, Rebecca LeBeau, Michelle Ziegler, Walid Saleib

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

**Appeal to Decision – Ziegler**

Chairman Perry opened the meeting for an appeal from Connor Ziegler of Red Brook Retreat, LLC who proposed to operate a short-term rental at 85 Red Brook Road, Map 14, Lot 42F. At a hearing on October 13, 2022, the Board had voted to deny Mr. Ziegler a Special Exception to do so. Mr. Ziegler sent the Board a letter (which is attached to these minutes) appealing their decision and stating his reasons why the Board should do so. Chairman Perry explained the Board would not take any comments from the public as the Board agreed to discuss Mr. Ziegler’s appeal. Biff Wyman who was unable to attend the October 13 hearing said he had read the meeting minutes and Mr. Ziegler’s appeal and he didn’t think the Board had met the requirements to deny the original application. The Board secretary agreed with Mr. Wyman saying she too didn’t understand why it was denied. At his point Mr. Ziegler asked to introduce his family, his wife and three young children were with him, and asked his family to be excused as the children were getting restless. His wife and children left the meeting. Chairman Perry asked the Board secretary to read each of the four criteria and their decisions on each one from the minutes of the previous meeting:

1. 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.
2. 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.
3. 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.
4. 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, its 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 said the main factor in the Board’s decision as it addressed the criteria was Red Brook Road itself which is a private road. Each owner of a lot owns property under the road and is responsible for a share of its maintenance. It wasn’t the house site itself but the fact that it was located where potential renters of Mr. Ziegler’s house would have to travel on a good portion of the road to reach site. The Board secretary pointed out a large family with other relatives owning several vehicles could live there and expect to travel up and down that road. Why not Mr. Ziegler’s renters? The road is a dedicated road created about 15 years ago and built to town specifications in a subdivision approved by the Planning Board. It is not a private road; it is a public right-of-way. Anyone should be able to use the road to access any property on that road. There was never a petition to the town to take over its maintenance. The Board has recently approved two other short-term rentals of similar accommodations with the exception that they are situated on town roads. What is the difference? Further discussion followed with no agreement about the status of Red Brook Road and how it would or should affect the Board’s decision.

The Board Chairman said he would like to hear from Mr. Ziegler about the rental agreement to address issues of liability concerns. Mr. Ziegler said he had added language to the rental agreement:

1. There is a **20-mph speed limit** on Red Brook Road for safety and to not disturb permanent residents on the road. Failure to comply with this may result in forfeiture of your security deposit.
2. No legal claims shall be made against any property owner on Red Brook Rd. other than the Owner of 85 Red Brook Rd regarding injury or property damage incurred on Red Brook Road.

The house is listed as a 3-bedroom rental for up to 12 people, which raised concerns regarding septic disposal overload. Jason Call said that a three bedroom home usually has an occupancy of 2 persons per bedroom plus 2. Mr. Ziegler said he would reduce that number as the Board recommended. But he didn’t think the number should include children. The company that handles his booking do background checks on all renters. He had no intentions of allowing a ”party house”. Board members noted that they do not have enforcement powers to ensure compliance. Mr. Ziegler said this is a public road. He said he has had the builder of the house bring other potential clients to see the work he had done and the quality of the construction.

Biff Wyman made the motion to grant the appeal for a rehearing, seconded by Wayne Bilquin. The vote to accept the motion was unanimous. Jason Call made the motion to have the Board secretary contact the town’s attorney for clarification and advice regarding the status of the road and other documents. The motion was seconded by Biff Wyman. The vote to accept the motion was unanimous. Mr. Ziegler asked if it were possible the rehearing date be moved up from the normal meeting date of December 8, 2022, as he had renters already reserved and would prefer not to have to cancel the reservation. The Board set the rehearing date on Thursday, December 1, 2022. Mr. Ziegler was asked to supply copies of any documents the Board deemed necessary such as the rental agreement, etc.

All members of the public left the meeting.

**Minutes**

Jason Call made the motion to approve the minutes of the October 13, 2022, meeting, seconded by Tom Walker. The vote to approve the motion was unanimous.

**Other Business**

The Board secretary updated Board members on possible new applications, a campground and one short-term rental. If the applications come in as anticipated, they could be scheduled on the same date as the rehearing.

The Board secretary said she would prepare new separate applications for Special Exceptions and Variances for the Board to examine.

Biff Wyman made the motion to adjourn the meeting, seconded by Wayne Bilquin. The meeting was adjourned at 9:15 pm.

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Charlene Wheeler

Secretary to the Board