**Town of Jefferson**

Office of the Zoning Board of Adjustment

**Minutes**

January 12, 2023

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

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

**Absent**:

**Others present**: Charlene Wheeler, Board secretary; Diane Allard, Scott Gahan, Vas Manthos, Esq., Dakota Gahan, Richard Garabedian, Connor Ziegler, Robert and Brenda Roy, James Akerman Sr., Andi Gendron, Kate McMann, Marcus Manning, Mark Gross, Stephen and Kim Silk, Dan Kenison, Maura Chappelle, Barry Schuster listened in to the proceedings electronically

**Appeal – Ziegler as Red Brook Resort, LLC Decision December 1, 2022**

Chairman Perry opened the meeting. The Board received a letter from Diane Allard and Scott Gahan appealing the Board’s decision to grant, at a rehearing on December 1, 2022, an application from Connor Ziegler of Red Brook Retreat, LLC who had proposed operating a short-term rental at 85 Red Brook Road, Map 14, Lot 42F. The property is not Mr. Ziegler’s primary residence. Board members had received the appeal letter to examine well ahead of tonight’s meeting. Attorney Manthos, speaking for Mr. Ziegler, rose and said the Board should not be taking testimony from those attending the meeting. Board members were already aware of such a requirement. Tom Walker asked the other Board members if they thought any new information, other than what the Board had considered previously, were stated in the appeal. Jason Call said the appeal talked about inhabitants of Jefferson rather than property owners but it was addressed at the rehearing. Biff Wyman said he didn’t see any new information, the Board had discussed the issues clearly, and we didn’t make errors in the process followed. Jason Call said after considering all the information, the appeal letter just disagreed with the Board’ decision. Tom Walker said he had read the letter very carefully and he thought the Board did not need to rehear this application. Biff Wyman made the motion to deny the appeal for a rehearing, seconded by Tom Walker. Chairman Perry called for discussion. Jason Call said he had voted against the majority of the Board in granting the Special Exception and would probably vote that way again, but after consideration of the appeal letter, he agreed there was nothing there to cause a new rehearing. Biff Wyman said he had read all the documents associated with the application, minutes, letters, etc. and is comfortable with his motion. The vote to approve the motion was unanimous, the Board will not rehear the application.

**Appeal – Garabedian as MBC Holdings, LLC Decision December 1, 2022**

The Board received a letter from Richard Garabedian appealing the Board’s decision to deny, at a hearing on December 1, 2022, an application from Richard Garabedian as MBC Holding, LLC who had proposed to build and operate a 30-site campground on about 8 acres of land with access to Israel’s River Road, Map 14, Lot 24. Board members had received the appeal letter to examine well ahead of tonight’s meeting. Chairman Perry said Mr. Garabedian’s attorney had made many different points in the letter. Biff Wyman said having reviewed the documents he thought the reasons for their denial of the proposal was explained as the Board went through each of the four criteria as outlined in the Land Use Ordinance. Mr. Wyman also stated that he thought Daniel Flores, Mr. Garabedian’s engineer had made an excellent presentation and the plan was well documented on paper and maps. The fact that no questions were asked was not an indication that the Board didn’t understand the plans. In any case, the engineering and other technical aspects of the plan are more in the purview of the Planning Board who must approve this proposal as well. This Board was more focused on the site itself, where it was located, reached by a right-of-way across an abutter’s property from Israel’s River Road, its effect on the surrounding property even though proposed setbacks were the minimum according to the ordinance. That number of campers generated by 30 sites in both the summer and winter seasons coming and going would disturb the neighborhood no matter how well managed the campground was. The Board secretary said she wanted the board to know there was a letter attached to the letter of appeal (not an abutter to the property) supporting Mr. Garabedian’s proposal reportedly sent to the secretary by email which was never received or found even after a number of searches and as presented in the attached letter would never have been seen in that format. Jason Call said the campground was too close and too busy for that many sites on 8 acres. There is no new information in the appeal letter, just a lot of accusations that are not relevant. Jason Call then made the motion to deny the appeal for a rehearing of the application, seconded by Tom Walker. Jason Call said we have considered this thoroughly and Biff Wyman said he was comfortable with that decision. The vote to accept the motion was unanimous and the Board will not rehear the application.

**Hearing – Kenison**

The Board received an application from Daniel and Angela Kenison, 7 Sunny View Drive, Lancaster, NH, asking for a Special Exception to expand a storage rental business by adding a second set of such units to the property located at 859 Meadows Road at the corner of Route 115, Map 14, Lot 60F. Chairman Perry read the application. The lot is about 3.5 acres and there is room for another unit as Mr. Kenison is proposing. The lot has been kept mowed and is clean but probably could use a little more landscaping to make the view of it more attractive. Mr. Kenison said the units have no heat. There will be no sales or flea markets conducted out of the units. A Board member said he had driven by there and never seen anyone, it had always been quiet and empty of people. Mr. Kenison’s father who owned the property was granted a Special Exception in 2004 for four such units to be placed on the property. However, his father was unable to substantial complete the proposal in the time allowed and was granted a one-year extension until 2005. Only one unit had been placed on the property which the Board agreed he could continue to operate the business with only the unit in place at the time. Daniel Kenison now owns the lot and the one unit has been in operation since the original owner in 2005. There were two communications from abutters received about the application, a phone call from Sandra Kenison who owns the lot adjacent to the rental unit on the same side of the road who was is support of the application and a letter from Jesse Lynch representing her family, Paige LeBlanc and Timothy Thresher who own the property across Meadows Road from Mr. Kenison. The family owned the lot when the elder Mr. Kenison was granted the Special Exception in 2004 and objected then to the proposal and were strongly objecting this time as well. The letter was read and is attached to the minutes. Kate McMann cited NH RSA 674-33: IV(c) saying she didn’t believe Mr. Kenison should not have to even apply for a Special Exception under this statute and gave the Board a copy. Chairman Perry chose to continue the hearing. He requested the Board secretary contact the town’s attorney for clarification on the referred to statute. Jason Call led the Board in going through the four criteria to be met for a Special Exception.

“The proposed use shall be one permitted by the Land Use Ordinance.” This use is permitted by Special Exception as a Small Business operated by the owner with no employees and not creating a large business atmosphere.

“The specific site is appropriate for the location and of adequate size for such use.” The site is of adequate size with over 3 acres and no other structures except the current unit. It is easy to reach over well-traveled and maintained roads.

“The use will not adversely affect the adjacent area.” The business has operated there for 18 years without any incidents or complaints. The buildings are low profile, both the one there and the additional one being proposed. It seems to be very quiet and adequately maintained. The new unit will be behind the one already there from the view of the objecting abutter. It would be a place for people to store their items safely and maybe out-of-site from others where they are now sitting outdoors. The Board would like to have additional landscaping done to improve the view of abutters when looking at the property. More landscaping should have been done in the past, but the Board would make this a current condition of approval of the expansion. Property values should not be impacted by this expansion and there will be added tax revenue to the town without high impact to services.

“The proposed use will be in keeping with the stated purpose of the Ordinance.” It will not interfere with the small-town atmosphere of other properties in the area and further erode the rural nature of the community. The low profile of the structures and added landscaping would not severely ruin the surrounding area views. Adding the additional unit will not cause undue disturbances to the environment.

Tom Walker made the motion to grant the Special Exception with the condition that additional landscaping be done on the property such as adding shrubs or trees or fencing, etc. to improve the view of just seeing the units. The motion was seconded by Biff Wyman. The vote to accept the motion was unanimous.

**Minutes**

Brian O’Leary and Scott Gahan had emailed suggested edits each wanted to see made to the draft of the minutes of the December 1, 2022, meeting. Board members with the Board secretary read through the edits and both will be used to edit the draft minutes in question. An additional typo was identified. Jason Call made the motion to approve the December 1 minutes as amended, seconded by Rodney Houghton. The vote to approve the motion was unanimous.

**Financial Report**

Copies of the final figures for the Board’s expenditures in 2022 were circulated. Because of the increased number of applications, the figure of $4128.27 exceeded the Board’s budget of $1500.00. Approximately $2000.00 was returned to the town in fees charged to applicants.

**Other Business**

The Board had received an inquiry from Thierry Soucy of the U.S. Bureau of Alcohol, Tobacco, Firearms, and Explosives asking confirmation that Mr. Lauze is in compliance with the local zoning regulations and ordinances regarding his Special Exception in order to reissue a license to operate his business. Mr. Lauze’s continued compliance was confirmed to the Bureau.

The Board secretary informed the Board that its annual report to the town is due on January 31. She will complete a draft report and send it to Chairman Perry for final consideration.

The Board has received an application from Brian Matson for a Special Exception to operate a rental storage business on the corner of Ingerson Road and U.S. Route 2 across from the former Six Gun City.

The application will be heard at the Board’s next scheduled meeting date on February 9, 2023.

It was suggested the starting time of a Zoning Board of Adjustment meeting might be changed from 7:30 pm to 7:00 pm but after a short discussion it was left at 7:30 pm.

**Revised Application Forms**

The Board examined drafts of revised application forms. Each type of appeal the Board night hear is separated into its own application form for more clarity and completeness in the application. It was suggested the criteria for a home-based business should be addressed and wording added asking for diagrams of the property as well as photos. Developing a new fees schedule needs to be addressed as well. Work on this will continue at the Board’s next meeting.

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

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Charlene Wheeler

Secretary to the Board