**Town of Jefferson**

Office of the Zoning Board of Adjustment

**Minutes**

June 8, 2023

The meeting was called to order at 7:45pm.

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

**Absent**:

**Others present**: Charlene Wheeler, Board secretary; Laura Spector-Morgan, Pat Panciocco, Richard Garabedian, Laura Hosley, David Hosley, Andrew Purba, Jillyan Newell, Paul Selfridge, Angela Selfridge, Judy Owen, Bob Owen, Linda Kahe, Sandra Cashen, Lloyd Ingerson, Terri Larcomb, Jack Sullivan, Rose Sullivan, Mark Gross, Line Host, Kate McMann, Marcus Manning, Steve Silk, Kim Silk, Maura Chappelle, Scott Gahan, Diane Allard

Wayne Bilquin, as an alternate, did not vote as all regular members were present.

**Rehearing – MBC Holdings, LLC**

Chairman Perry opened the public hearing for an application for a Special Exception from Richard Garabedian of MBS Holding LLC. He proposes 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. The Board had already received copies of the application to examine which included large scale site plans for the campground. It was also noted that the plan would also have to go to the Planning Board for approval as the proposal is a type of subdivision. Chairman Perry called on Mr. Garabedian who then introduced his engineer Daniel Flores, who was attending the meeting on Zoom, to explain the plans. Mr. Flores described the site showing aerial views of the property. He said the boundary line was about 350 feet from Israel’s River Road and was accessed by a 50’ right-of-way. Wetland areas were pointed out. The state rail trail runs behind the back boundary and can be accessed from the property. The site development plan was then examined, a plan for 30 campsites, a bath house, full hookups, manager’s office and living quarters, dog park, septic system and water supply. There are already existing wells on the property, shallow dug or springs serving abutters. The access road planned over the right-of-way from Israel’s River Road will be 20’ wide built to town specifications with electric lines above ground to the site and then moved underground. Some of the history of how the current lot came to be through past subdivisions was shown. There is about 228 feet from the site’s property line to an abutter’s house with plantings on a berm planned in between to block the views. A fence is planned between the site’s boundary line and the Silk property. The dog park area was also described.

Pat Panciocco, attorney for the applicant, then spoke. She pointed out there is a secondary access right-of-way at the back of the lot. A small brook runs through the property and no part of the property is in a flood zone. Each campsite will be 2400 square feet where the state’s minimum requirement is 1000 square feet. This fact was emphasized several times. There is a bank of trees that run along the site’s boundary facing the Israel’s River Road. She compared the plan to other existing campgrounds in the town. This proposed campground would be open May through October. This type of use is permitted in the town by Special Exception if certain criteria are met. The fact that this use may not be an appropriate fit in certain areas should not be a subjective decision. This current proposal in front of the Board is in an appropriate location, won’t be seen from the road. There were pictures shown of other campers parked in the area as seen from Israel’s River Road. After requesting information about complaints, she said there no reports of complaints filed about the operations of campgrounds along that road. This campground will be monitored 24/7, be fenced and gated to avoid problems and there will be a designated area for dogs to be exercised. This will be safer for children and the dog park will only be used for campers. There will not be more than one season of camping each year. Fires are allowed but contained. Mr. Garabedian said he had 10 years’ experience managing a campground, with on-site management and 24-hour coverage. He referred to a set of reviews of that campground. Mr. Garabedian was asked if he was planning on installing park models and he seemed to be saying that it may be a possibility in the future. This was not just a piecemeal plan he said, the entire site is laid out in detail.

Chairman Perry opened the meeting to the public for questions or comments. Mr. Silk asked if cars will be parking along the easement if the gate was locked. He was told there would be a parking area by the gate for a few cars. Mr. Silk also said there are wet areas across the road that will cause problems. He said he wanted to restore a vintage farmhouse but now he won’t be able to live peacefully. It has ruined his desire to continue with the house and he won’t be able to sell it for the money he has put into the property. He also mentioned the proposed privacy fence to be built in from of his property. The issue isn’t the view from the street but the view being lost by abutters. With that number of expected campers on 30 campsites there will be noise and people coming and going. You can’t cram 30 campsites into a few acres. Marcus Manning said he loved Jefferson and retired here after serving in the military with more than one tour in combat zones. He was looking forward to having a more peaceful and safe life here. If one calculates anywhere from 2 to 10 campers per site, that means 60 to 300 campers near his back yard. A planting of vegetation doesn’t negate that fact. Mark Gross said Mr. Garabedian might prove to be a responsible owner but what happens if the business is sold and things change. This will affect property values. Maura Chapelle said Jefferson does not have a need for another campground. For my business I probably would make money if this proposal were approved but I still don’t want it. She also asked about how an emergency vehicle would get in if the gate were locked all the time. Ms. Host asked about the rail trail behind the site. Who is going to monitor people along there from the campground? It was mentioned that the other campground on Israel’s River Road has been operating there for years with a succession of owners and is grandfathered in terms of current requirements. Lloyd Ingerson said the area can get very wet with water close to the surface. Already removal of some trees by Mr. Garabedian has created a swampy area. The area used to have a gravel pit; its gravel used when Route 115 was constructed. Water now fills the pit and is a pond. Attorney Panciocco said wetlands are all flagged on the plan. The septic system can be supported. The Board secretary asked if the wetlands would be affected if the terrain is altered. Diane Allard and Scott Gahan said they supported the plan. Denise Boynton, a realtor, wrote the proposed project would not affect property values but she was not an assessor and referred to one sale before the campground proposal was known. Jason Call said utilities were planned to be overhead from Israel’s River Road. The Land Use Ordinance requires new installations on roads built to town specifications to be underground. Kim asked about the berm being shown on the plan and was told it was not fully designed, that it would maybe be about three feet high with a mix of conifers planted on the berm. There also will be fencing in front of Mr. Silk’s house. In both cases this will obstruct views they now enjoy. The anticipated period of construction of the campground will also generate noise and disruption. Mr. Manning said when he purchased his land, he thought it would be one house on one lot. Now it would be a 100 people in his back yard. There will be no privacy. Kate McMann said she was concerned about the dog park. She was told the dog park will be fenced in and dogs can be off leash but must be leashed at all other times in the campground. Also, there was a question about insurance costs to abutters having this type of business so near to them. In addition to the petition expressing support for this proposal signed by Albert and Carol Ponte, Paul and Angela Selfridge, Josee Cote, and Paul and Patricia Martel submitted with the application, the Board secretary reported she had received an email and phone call from Paul and Angela Selfridge wanting to withdraw their support for the proposal they previously had expressed. Also, an email had been received from Michael Clark, vice president of Winterset, Inc. an abutter across the Israel’s River Road from the campground site. A large pond is on this property created when excavations for gravel took place. There were also copies of emails to the town office dated June 6 where Mr. Garabedian requested documentation of any complaints the Select Board had dealt with in regards to the Israel River Campground and the town’s responses to that request. Mr. Garabedian also entered a stack of reviews of the Crawford Notch Campground he previously had been associated with, some of which the Board had already come in possession to from an anonymous source. These reviews either positive or negative were not given much weight.

There being no other questions or comments, Chairman Perry closed the public portion of the hearing and deliberations began.

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

“The proposed use shall be one permitted by the Land Use Ordinance.” Yes, this use is permitted by Special Exception as a Tourist Accommodation and Lodging Units in Article III, section 2 of the Land Use Ordinance.

“The specific site is appropriate for the location and of adequate size for such use.” No, the site may be of adequate size and appears well laid out on the engineer’s plan, but the abutters to the access road, created in the right-of-way, to the campground sites from Israel’s River Road will be impacted by the traffic traveling back and forth. At least a third of the campsites are situated with only a 50’ setback from an abutter. The right-of-way runs over a delineated wetland area. Abutters say work already done at the site has created swampy areas. Abutters will experience increased noise, smoke, etc. The ordinance favors maintaining the present unique character of the town of Jefferson along with its existing property values. plain but dignified older homes along with unpretentious newer ones and comfortable vacation homes, working farms, and pastures all in harmonious, uncrowded and quiet settings.

“The use will not adversely affect the adjacent area.” No, this proposal will have an impact on surrounding property values with a large business being operated so close to them. The opinion of one realtor who is not a licensed appraiser is limited in scope and is not an actual assessment of properties affected by this proposal. There was concern about insurance costs to surrounding property owners. A previous larger campground proposal, which was referred to, which came before this Board, although never developed, had much larger buffers from property lines and abutting residences and was accessed directly from a state highway. There was only one abutter concerned about safety issues and they were addressed. It was never approved by the Planning Board and has never been constructed or operated.

“The proposed use will be in keeping with the state purpose of the Ordinance.” No, it will interfere with the small-town atmosphere even more to other properties in the area and further erode the rural nature of the community. This is overcrowding the neighborhood. Many people will be living on only about three to four acres of land as shown on the site plan. It may bring increased tax revenue to the town, but it will impact such services as the town transfer station, fire and rescue, and policing, etc. It can cause undue concentration of population in this area which already contains an older campground situated on that road in operation for years. There have been complaints expressed about the one campground already there but not necessarily documented in writing as neighbors in small towns are reluctant to do.

Jason Call said the proposal did not meet three out of the four criteria and made the motion to deny the Special Exception as presented to the Board, seconded by Rodney Houghton. Biff Wyman referenced RSA 674.33 and said that in a small community like Jefferson local experience counts in making decisions. The vote to accept the motion was unanimous. Persons with standing have 30 days to appeal the decision.

**Hearing – Hosley**

Chairman Perry opened the public hearing for an application for a Special Exception from Laura Hosley, having property at 36 Ingerson Road, Map 10, Lot 63, to operate a short-term rental. She currently lives in Rhode Island. The Ingerson Road property would be run by a management company, Vacasa. The cabin has 650 square feet of space with two bedrooms and a bathroom upstairs and a living room and kitchen on the first floor. The maximum number of guests would be six. The septic system is adequate for that number of guests and there is plenty of space to park cars in the driveway. Ms. Hosley supplied photos of the house and surrounding property. She said it would be a seasonal rental, probably May through October. Ms. Hosley has owned the property for many years and has rented it before to full year-round tenants but now wants to try short-term rentals. This income would allow her to keep the property and still have use of the cabin for some blocks of time.

ChairmanPerry opened the meeting to the public for questions or comments. The Board secretary reported she had received no questions or comments from abutters or the public in general. Fire Chief Milligan said Ms. Hosley should contact him about a fire and safety check of the premises as a condition of approval. Kate McMann speaking on behalf of her father, who owns abutting property and couldn’t attend the hearing, said they never had issues with rentals. However, she was concerned about people who could trespass into an area running between the two properties where there is a steep ravine. There are springs there that serve a number of houses and didn’t want tenants messing with the water. Small children and dogs especially may be in danger from many types of wild animals that are known to frequent this area. Ms. Hosley agreed to not allow dogs for safety reasons in the rental unit and post warning for the tenants about Ms. McMann’s concerns.

There being no other questions or comments, Chairman Perry closed the public portion of the hearing and deliberations began.

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

“The proposed use shall be one permitted by the Land Use Ordinance.” Yes, this use is permitted by Special Exception as a Tourist Accommodation and Lodging Units in Article III, section 2 of the Land Use Ordinance.

“The specific site is appropriate for the location and of adequate size for such use.” Yes, the site is of adequate size for the number of guests allowed. There is plenty of parking and privacy from surrounding abutters. Dogs will not be allowed and safety warnings about trespassing on abutting properties will be posted.

“The use will not adversely affect the adjacent area.” Yes, the use will not affect the adjacent area if rules and warnings posted are followed. There were no other comments received from the public. The property was rented year-round without complaints from neighbors. There were no comments made objecting to the approval being granted to the application from abutters or the general public.

“The proposed use will be in keeping with the state purpose of the Ordinance.” Yes, it will not interfere with the small-town atmosphere and further erode the rural nature of the community. This is not overcrowding the neighborhood as this property has already been rented out yearly. It will bring tourist trade and taxes that will benefit the town. There will be no impact to schools as there might be with a full time rental.

Biff Wyman made the motion to approve the application, with the above conditions, seconded by Tom Walker. The vote to accept the motion was unanimous.

**Minutes**

There was a major typo error to the name of an applicant in the draft of the February 9, 2023, meeting minutes which was corrected. Tom Walker made the motion to approve the minutes as amended, seconded by Rodney Houghton. The vote to approve the motion was unanimous.

Biff Wyman made the motion to adjourn the meeting, seconded by Tom Walker. The meeting was adjourned at 10:12 pm.

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Charlene Wheeler

Secretary to the Board