**Town of Jefferson**

Office of the Zoning Board of Adjustment

**Minutes**

August 10, 2023

The meeting was called to order at 7:40pm.

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

**Absent**: Biff Wyman

**Others present**: Charlene Wheeler, Board secretary; Erin Tefft, George and Jennifer Bishop, Craig Clukay, James Akerman, Sr., Maura Chappelle

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

**Hearing – Case # 215-2023 -Matthew and Erin Tefft**

Chairman Perry opened the hearing for an application from Erin and Matthew Tefft for a Special Exception, Article III, Section 2. They propose to operate a short-term rental on 28 Saphire Lane, Map 18, Lot 3M. The Board had already received copies of the application including photos of the property to examine.

Chairman Perry opened the meeting to the public for questions or comments. The Board secretary reported there had been no phone calls, emails, or written communications received with questions or comments about this application. Chairman Perry read the application. The home contains three bedrooms and two baths and has an extra septic tank for added capacity. The septic system was inspected in May of 2023 and found to be in good condition. The lot is located on a public road maintained by the town. The home is very private and located at the end of a dead-end street. The lot in front of the property is vacant land and also owned by the Teffts. Behind the home is National Forest land. Ms. Tefft was asked about planned occupany to the unit and said the maximum of guests would be eight. They planned to also use the property for family vacations and do not want the residence used for large groups or wild parties. She also said she had already spoken to Fire Chief Milligan about arranging for a safety inspection. She was asked about the large garage also on the property. It looked like the second floor might be used for lodging space. Ms. Tefft said that space was unfinished and there was no water or bathroom facilities available. They had no intention of using that space to accommodate more guests. She was asked about problems or emergencies occurring while guests were there, was this being handled by a large company. She said they were using a local team to clean and respond to any problem within about fifteen minutes. The driveway is uphill but not bad and they are employing a local person for snowplowing and maintenance. There is space to park four cars and then two more in the garage. The parking area cannot be seen from the town road.

Maura Chapelle asked how long approval of a Special Exception lasts once granted. It was explained NH RSAs say approval stays with the land not the owner. If not being operated for at least two year or the type of use changes, approval is vacated. Otherwise, it does not expire. Craig Clukay said the town needs more regulation for this type of use if not an outright ban such as Portsmouth has. But it was noted, unlike Jefferson, Portsmouth has different zones and only one zone bans such rentals. Mr. Clukay said this type of business is changing the character of the town and sense of community with a transient population coming and going. Young families can’t afford to acquire home and become fulltime residents of the town. Maura Chapelle asked if there was a hot tub for guest use and was told there was. Ms. Chappele said the renter must get a permit for its use and it must be professionally tested each day. Ms. Tefft said the maintenance of the tub has already been contracted for its care. The Board secretary will check what state requirements exist for hot tubs in such a situation.

Others attending the hearing expressed concerns about allowing short-term rentals without more regulation but said they had no specific objections to this particular property. Complaints were expressed that there were a number of short-term rentals operating in the town without any approval at all. They were told enforcement of town regulations is up the purview of the Select Board not the Zoning Board of Adjustment. Jason Call, also a member of the Planning Board, said the Planning Board plans to discuss possible short-term rental regulations to be added to the Land Use Ordinance.

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

Chairman Perry 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 are three bedrooms and there is plenty of parking and privacy from surrounding abutters. The maximum number of guests would be limited to eight. The lot is located on a public road maintained by the town. The home is very private and located at the end of a dead-end street. The property in front of the residence is vacant land and owned by the Teffts. Behind the home is National Forest land. There are plans in place for maintenance of the house, the hot tub, and the driveway as well as deal with emergencies. A safety inspection is planned.

“The use will not adversely affect the adjacent area.” Yes, the use will not affect the adjacent area. It is not easily seen from the road. The Teffts also own an abutting lot and the lot on which the short-term rental is located is backed on one boundary by National Forest land. There were no objections about the proposal received from abutters to the property. It will increase taxes paid to the town without significant impact to schools and services.

“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 lived in by permanent residents. It will bring business and income that will benefit the town. There will be no impact to schools as there might be with a full time rental.

Jason Call made the motion to grant the application for a Special Exception, with conditions (see copy of notification of decision), seconded by Tom Walker. The vote to accept the motion was unanimous.

Ms. Tefft was told she would receive official notification in the mail. She thanked the Board and left the meeting along with Mr. and Mrs. Bishop, Mr. Clukay and Mr. Akerman.

**Minutes**

The word “assesor” was changed to “licensed appraiser” in a sentence on the third page of the draft. Jason Call made the motion to approve the minutes, as amended, of the June 8, 2023, meeting minutes, seconded by Wayne Bilquin. The vote to accept the motion was unanimous.

**Other Business**

Board members inquired if there were any new applications to be scheduled. The Board secretary reported she had received an application from Barbara Ingerson who own a lot on the corner of U.S. Route 2 and Route 116 (Bailey Road). She is seeking a Variance for two residences on a 3.68-acre lot. A hearing is being scheduled for September 14. The Board secretary was asked to research the records pertaining to that lot and to request information about the septic system(s).

An applicant was also completing an application for a short-term rental on Turnpike Road when it was withdrawn from consideration.

The Planning Board has completed a draft ordinance for campgrounds which has now been sent for review to its engineer and they plan to address short term rentals next.

Tom Walker made the motion to adjourn the meeting, seconded by Wayne Bilquin. The meeting was adjourned at 8:50 pm.

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Charlene Wheeler

Secretary to the Board