**Town of Jefferson**

Office of the Zoning Board of Adjustment

**Minutes**

October 12, 2023

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

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

**Absent**: Biff Wyman

**Others present**: Charlene Wheeler, Board secretary; Joseph Vaillancourt, Normand Vaillancourt, Nanci and Michael Mealey, Michael Medley, Vincent and Jessie King, Maura Chappelle

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

**Hearing – Case # 217-2023 – Vaillancourt & Rouleau**

Chairman Perry opened the public hearing for an application from Normand and Lise Vaillancourt and Alan and Marlene Rouleau for a Special Exception, Article III, Section 2. They propose to operate a short-term rental at 279 Old Cherry Mountain Road, Map 17, Lot 8D. Board members had already received copies of the application to examine. Chairman Perry read the application. He asked Joseph Vaillancourt, who was acting as an agent for the applicants, to describe the property and the proposal. He said the residence contains 3 bedroom and can park at least 10 to 15 cars. The house can’t be seen from the road, it sits more than 15 yards up the driveway which curves before reaching it. They planned to have a maximum of 12 guests at one time. Mr. Vaillancourt was questioned about the septic system originally designed for a 2-bedroom home by Kathy Conway. He said originally there were only 2 bedrooms in the residence, but another was added to accommodate more family and friends if needed. A 1000-gallon tank was installed at the time and would be sufficient for the demand on it presently. Board members agreed that their formula for occupancy is the number of bedrooms times two plus 2 which would put the allowed maximum capacity of guests at 8. He was also asked if any safety inspection had been done and Mr. Vaillancourt said he had contacted Chief Milligan but it hasn’t been done as yet. Chairman Perry asked for comments or questions from those attending the hearing. Mike and Nanci Mealey, who were not abutters to the applicant’s property, said there were two more such rental units on the road now and this will make one more. Who monitors these units. Mr. Mealey expressed concern about trespassers on other properties, trash being left, noise, fireworks, the danger of fire. The town doesn’t have a police department and the state troopers are stretched as it is and have more important calls to respond to if called. There should be a set of rules for the renters to agree to. He was told the agency who handles the rentals for the owners monitors such problems and will not rent to them again. Mr. Mealey also said there should be a sign clearly identifying the property so renters are not wandering onto others. Increased regulation is needed. Mr. Mealey was asked if the Select Board has heard these complaints since they are responsible for dealing with such problems. They also should be addressing these concerns to the Planning Board who is working on new regulations for short-term rentals. This is not what the Zoning Board of Adjustment is able to do. Jessie King asked about an existing right-of-way. Would they still be able to use it and was told yes, they would, any approval wouldn’t block that. Jason Call explained there are 4 criteria under NH state law the Board here is required to address. Maura Chappelle asked when the applicants had purchased the residence. Mr. Vaillancourt said they purchased the property in 2002 and built the house and used it as a second home. Now the high cost of maintenance, heating, and taxes have made them choose this option to reduce costs. The family is using the residence a lot of the time too. Some of the comments being expressed are not something this Board can address. If this Board sets conditions on their approval, we will follow them. Chairman Perry asked if there will be hunters using the rental as there is a gun range on the property. Mr. Vaillancourt agreed renters will not be allowed to sight firearms on the sight and no fireworks will be allowed. Chairman Perry recommended the applicants contact abutters and exchange contact information if problems should arise, to improve communications. It was clarified the town plows Old Cherry Mountain Road in winter, but the state maintained it during the summer. The Board secretary read two letters from abutters Joy and Kevin Sherman and David Torr expressing their concerns.

There being no further questions or comments, Chairman Perry closed the public portion of the hearing. Normand Vaillancourt and Joseph Vaillancourt were told they would receive notification of the Board’s decision by mail. They thanked the Board and left the meeting.

Jason Call led the Board through the 4 criteria for granting a Special Exception.

1. “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.
2. “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. There is a long driveway, and the house isn’t visible to any abutter except one who expressed no objection to the application. The maximum number of guests would be limited to eight. There is a 1000-gallon tank used in the septic system, a system not in everyday, continuous use. The lot is located on a public road maintained by the town as well as the state. There are plans in place for maintenance of the house and identification of the property for ease in locating. There will be a prominently displayed house number. A safety inspection is planned.

1. “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 because of the long driveway. Complaints were heard from some living on Old Cherry Mountain Road. There was no evidence, however, specifically linking these problems to any persons staying in any short-term rentals. The applicants agreed to post rules, limit the use of firearms, ban fireworks, put up prominent number identifying the property entrance, give all abutters a contact list to call if they observe a problem. The house has been there more than 20 years not being newly added, it will increase taxes paid to the town without significant impact to schools and services.
2. “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 for more than 20 years. 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. Chief Milligan has been contacted to perform a safety inspection and whose recommendations will be followed by the applicants.

Rodney Houghton 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.

All attending, except Maura Chappelle, left the meeting.

**Minutes**

Jason Call made the motion to approve the minutes of the September14, 2023, meeting minutes, seconded by Rodney Houghton. 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 Bailey, Colby and Pierre Couture who have a residence on 671 Presidential Highway, Map 5A, Lot 6, across from the intersection with Rt. 116. They are seeking a Special Exception to operate a short-term rental. A hearing is being scheduled for November 9.

The Planning Board has completed a draft ordinance for campgrounds which has now been sent for review to its attorney. Jason Call said the Planning Board also plans a work session on October 24 to address short-term rentals. They also discussed having more orderly conduct of their meeting and outlining rules for the use of Zoom during hearings. Those rules will be added to their current application forms. Perhaps the Zoning Board of Adjustment should consider adopting such rules as well.

The Board secretary distributed copies of the financial report for expenditures posted through September. The Board’s income from fees collected reimbursed about 37% of that amount. The budget process for the coming year will be beginning soon.

Jason Call made the motion to adjourn the meeting, seconded by Rodney Houghton. The meeting was adjourned at 9:02 pm.

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Charlene Wheeler

Secretary to the Board