**Town of Jefferson**

Office of the Zoning Board of Adjustment

**Minutes**

January 18, 2024

The meeting was called to order at 7:30 pm.

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

**Absent**: Biff Wyman

**Others present**: Charlene Wheeler, Board secretary; David Prue, Joe Caparrelli, Kevin Conway, James Akerman, Sr., Gerardo L’Europa, Rebecca & Michael Le Beau,

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

**Hearing – Case # 225-2023 – Caparrelli**

Chairman Perry opened the public hearing for an application from Kimberly and Joseph Caparrelli for a Special Exception, Article III, Section 2 of the Land Use Ordinance. They propose to operate a short-term rental at 412 Bailey Road, Map 7, Lot 27. Board members had already received copies of the application to examine. A picture of the residence was submitted with the application. It sits on 2.5 acres on the corner opposite the intersection of Route 116 and Whipple Road. Chairman Perry read the application. He asked Mr. Caparrelli if he wanted to add anything to the proposal as was read. Mr. Caparrelli said there were a list of rules for renters to follow and he has listed the names of contracted businesses caring for the property. He said he would personally be onsite answering any calls if an emergency should occur. Plus, he had a management company very close by to respond quickly. He didn’t want guests who cause trouble for anyone including endangering any farm fields close by. This includes no fireworks or outdoor fires. The Board said they also wanted to include no discharge of firearms on that list. Kevin Conway who owns the close by farm fields asked the Board several question including how regulations are enforced. The Board again stated it is the Select Board who has that responsibility. Jason Call explained the new short-term rental unit regulations proposed by the Planning Board. If these are passed at March meeting, a permitting process may be put in place by that Board to help with such enforcement. The Caparrelli residence contains 3 bedrooms, 1-1/2 baths and there is adequate parking for vehicles. Mr. Caprarelli said they would limit the number of guests to between 6 and 8. The house, which sits on a state road, sits quite a distance from neighbors. Fire Chief Milligan has already completed a fire and safety inspection on the residence.

Chairman Perry opened the meeting to public questions or comments. The Board secretary read a letter from Michael and Rebecca LeBeau endorsing approval of the application. The Board secretary reported she had received no other questions or comments about the application from abutters or the general public.

There being no further questions or comments, Chairman Perry closed the public portion of the hearing.

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, 2.5 acres, for the number of guests allowed. There are three bedrooms and there is sufficient parking and privacy from surrounding abutters. The house is at a distance from any abutter. No objections from abutters to the application were received. The maximum number of guests would be limited to 8. The lot is located on a public road maintained by 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 posted list of rules, warnings, and a contact person in case of emergencies. A local company and/or the owner will manage the rental unit.
3. “The use will not adversely affect the adjacent area.” Yes, the use will not affect the adjacent area. The residence has been on the property for years. No fireworks, outdoor fires, or discharge of firearms will be allowed. There were no objections received from abutters to the application. It will increase taxes paid to the town without significant impact to schools and services.
4. “The proposed use will be in keeping with the stated 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 residence has already existed for years. It will bring business and income that will benefit the town. Safety rules will be posted. There will be no impact to schools as there might be with a full-time rental. Chief Milligan has performed a safety inspection, and any recommendations will be followed by the applicants.

Wayne Bilquin 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.

**Hearing – Case # 226-2023 – Jenkins**

Chairman Perry cancelled the public hearing for an application from Brian Jenkins for a Special Exception, Article III, Section 2 of the Land Use Ordinance. He had proposed operating a short-term rental unit at 6 Button Road, Map 20, Lot 13B. The Board secretary said he had never completed the required signature page of the application, even after being reminded. The certified notification sent to him confirming the hearing date was returned to the Board as not delivered. Mr. Jenkins has not returned phone calls and was not at this hearing.

**Hearing – Case # 227-2023 – Prue**

Chairman Perry opened the public hearing for an application from David Prue for a Special Exception, Article III, Section 2 of the Land Use Ordinance. He proposes to operate a short-term rental unit at 129 Meadows Road., Map 8, Lot 26. It is located at short distance from the Jefferson Community Center and is a smaller house on about a 1-acre lot. Board members had already received copies of the application to examine. Chairman Perry read the application. A fire and safety inspection has not been done and Mr. Prue should contact Chief Milligan and arrange to have it inspected. The house has two bedrooms and one bath. Mr. Prue said a maximum of 6 guests will be allowed. There are plans for a new septic system in the spring. There is adequate parking for four cars and no cars will be allowed to park anywhere except in the driveway. A local property management company will maintain and monitor the property. No large parties will be allowed. There should be a list of rules and a local number to call posted for guests who can respond quickly to a problem. No campfires, fireworks, or discharge of firearms are to be allowed.

Chairman Perry opened the meeting to public questions or comments.

There being no further questions or comments, Chairman Perry closed the public portion of the hearing. The Board secretary reported she had received no other questions or comments about the application from abutters or the general public.

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 two bedrooms and there is sufficient parking and privacy. No objections from abutters to the application were received. The maximum number of guests would be limited to six. The lot is located on a public road maintained by the town. There are plans in place for maintenance of the house and identification of the property for ease in locating. Mr. Prue will make arrangements with Chief Milligan for a fire and safety inspection. There will be a contact person to be reached in case of emergencies who can respond in a short period of time. A management company will manage the rental unit.

(3) “The use will not adversely affect the adjacent area.” Yes, the use will not affect the adjacent area. There were no objections received from abutters to the application. Parties will not be allowed, and the property will be maintained. No outdoor fires, fireworks, or discharge of firearms will be allowed. Since this is a small lot, renters will be warned to respect and not trespass on other people’s properties. It will increase taxes paid to the town without significant impact to schools and services.

(4) “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 residence already exists. It will bring business and income that will benefit the town. Safety rules will be posted. There will be no impact to schools as there might be with a full-time rental.

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.

A short discussion followed about the Warrant Articles as presented at the Planning Board hearing on January 16 and Zoning Board of Adjustment members received copies of the final version of the Articles the Planning Board will present for residential campground and for short-term rental unit regulations to the Select Board. Also, there is a petitioned warrant to stop the development of campgrounds in the town which is required to be presented as well.

**Minutes**

Jason Call made the motion to approve the minutes of the January 11, 2024, meeting, seconded by Tom Walker. The vote to accept the motion was unanimous.

The Board next meeting will be on February 8, 2024, to hear an application from Laurie and Dale Lee for a Variance to build a garage closer to a lot line than allowed in the Land Use Ordinance.

Wayne Bilquin made the motion to adjourn the meeting, seconded by Rodney Houghton. The meeting was adjourned at 8:45 pm.

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Charlene Wheeler

Secretary to the Board