

Town of Jefferson
Office of the Planning Board

Minutes

December 22, 2020

Members present: Chairman Gil Finch, Jason Call, Michael Meehan, Gordon Rebello, Kevin Meehan, Selectmen's representative; Donna Laurent

Absent: Wayne Kellner, alternate; Bob Roy, alternate

Others present: Charlene Wheeler, Board secretary

The meeting was held virtually. Thanks again to Donna Laurent for setting up the meeting for the Board.

Minutes

Jason Call made the motion to approve as read the December 8, 2020 meeting minutes, seconded by Donna Laurent. The vote to accept the motion was unanimous.

Financial Report

There was a question about a line item not posted before in the current year: employer portion of social security and medicare. The Board secretary was asked to check on this item. Donna Laurent made the motion to accept the financial report, seconded by Michael Meehan. The vote to accept the motion was unanimous.

Communications

The Board secretary reported inquiries from Tim Wilson about property Map 15, Lot 20. He was inquiring about replacing a cabin that had burned but siting it in a different location. This would require a building permit plus there were questions as to how much of the lot was in a floodplain. There are floodplain regulations in the Land Use Ordinance. He was referred to the town's Land Use Ordinance on the town's website and was told floodplain maps are available in the town office with an appointment.

The Board secretary reported inquiries about a lot on the corner of Turnpike Road and US Route 2. It appears to have a number of vehicles, some looking inoperable or possibly lacking registrations. Is this a business being operated or perhaps a junkyard? If so, the owner has not sought a Special Exception. This matter has been referred to the Select Board for investigation.

The Board secretary reported there is a building permit pending for property on Jefferson Notch Road near Valley Road but had no other information on it.

A building permit granted to Walid Saleh for additions to the property formerly known at the Applebrook Bed and Breakfast now being operated as a short term-rental was discussed at the Board's last meeting. Jason Call circulated a photograph of the construction in progress. The Planning Board members again expressed the hope there would be more communication between boards and departments so important

information was gathered before Boards made their decisions. More attention needs to be paid to what the Land Use Ordinance requires.

Copies of Selectmen's minutes can be read on the town's website and any questions brought to the next Planning Board meeting.

Jason Call said he had contacted June Garneau to give her updated information on house and property sales for Chapter 5 of the Master Plan revision draft.

Unfinished Business

The Planning Board returned to its discussion of recreational vehicles and camping. Jason Call had worked on edits to the proposed language changes to not only address recreational vehicles but language changes to address short-term rentals, and language requested by the Fire Department. He took into account discussions at past meetings, edits done by the Board secretary, input from fire department members, examples of other town's ordinances, comments from the town's attorney, and the Select Board's representative. Board members discussed the draft and made just a few word changes (the final edited draft is attached to these minutes). Jason Call made the motion to move forward and present the language changes to the Land Use Ordinance with these final edits at a hearing on January 12. The motion was seconded by Michael Meehan. The vote to accept the motion was unanimous. The Board members thanked Jason for all his time and hard work to get this final draft together. It was a tremendous help. The Board secretary was asked to send a copy of the final draft to the town's attorney for comment on anything which may need further consideration or clarification before the hearing date. Drafts will also be sent to Select Board members. The Board secretary was asked to contact June Garneau and again postpone her meeting with the Board on January 12 as the Board is planning to hold a hearing on language changes to the Land Use Ordinance.

Michael Meehan made the motion to adjourn, seconded by Gordan Rebello. The meeting was adjourned at 8:35 p.m.

Charlene Wheeler
Secretary to the Board

DRAFT – TOWN OF JEFFERSON LAND USE ORDINANCE REVISIONS FOR TOWN MEETING 2021

ADD to Definitions Article III, Section 4:

Recreational vehicle: A vehicle which is (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towable; and (d) designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel or seasonal use.

Campground: A parcel of land on which two or more campsites are occupied or are intended for temporary occupancy for recreational dwelling purposes only, and not for permanent year-round residency.

Short-Term Rental: A type of tourist accommodation or lodging unit where transient lodging is provided for compensation for stays between one and 30 consecutive nights, and where the dwelling unit would normally be considered a residential living unit.

ADD to Article III, Section 2A. PERMITTED USES BY SPECIAL EXCEPTION

- A. Motels, hotels, tourist accommodations and lodging units (**including short-term rentals**), **campgrounds**, nursery schools, clinics, hospitals, nursing homes, rest homes, public utility buildings, retail and wholesale stores, parks and recreation areas, cemeteries, greenhouses, private clubs, golf courses, riding stables, restaurants, sawmills, camps, home-based businesses, small businesses, telecommunications equipment and facilities, accessory dwelling unit. (Hotel, motel, tourist accommodations and lodging units shall be defined in the strictest sense and shall not be considered in the context of condominium conversion). (amended 3/1999)

ADD to Article III a new SECTION 5 - RECREATIONAL VEHICLES

This section applies to recreational vehicle occupancy outside of approved or existing campgrounds.

1. **RV Occupancy Permits** No recreational vehicle (*RV*) may be used as a primary dwelling, domicile, or residence for any length of time. An RV occupancy permit must be obtained by the landowner from the town for any recreational vehicle placed on a lot and used for living quarters only on a temporary, *limited stay* basis and not on a lot which already contains another dwelling. No recreational vehicle may be occupied with an RV occupancy permit for more than a *total of 180 days* in any calendar year. *At the Town's discretion, a recreational vehicle*

may be occupied for additional continuous time if the owner is using it as a temporary residence at the same time a permanent dwelling is being constructed on the same lot. However, the occupancy time allowed will not be unlimited. RV occupancy permits shall be valid for one year and may be renewed prior to the expiration date. Each original or renewed application must be signed by the landowner and the owner of the recreational vehicle and shall demonstrate that adequate provisions have been made for sanitary disposal of sewage, waste and refuse. Such use shall conform with the requirements of the State of New Hampshire Department of Environmental Services related to sanitation facilities. Setback requirements as found in ARTICLE IV shall apply. No more than one recreational vehicle shall be permitted per lot. The RV occupancy permit must be prominently displayed on each recreational vehicle.

2. **Special Event RV Permit** A special event RV permit is required for the placement of two or more recreational vehicles on a lot for a one time, up to ten day stay. Upon application, special event RV permits may be issued by the Town. The landowner shall demonstrate that adequate provisions have been made for sanitary disposal of sewage, waste and refuse, either in an existing residence or through a self-contained unit. Setback requirements as found in ARTICLE IV shall apply.
3. **Short Term Notification Permit** A single visit to an improved residential property by a single RV utilizing sanitary facilities of the residence is allowed a stay of up to fifteen days. The property owner must file a notification with the town with no fee required.
4. **Registration of Recreational Vehicles** All recreational vehicles must be registered in accordance with the motor vehicle laws of the State of New Hampshire. Any recreational vehicle which does not have a valid motor vehicle registration and current number plate shall be assessed by the Town as taxable real estate pursuant to *NH RSA 72:7-d*.

ADD TO ARTICLE V, Section 8 – Paragraphs B and C:

SECTION 8 BUILDING CODES:

- A. The Town adopts the provisions of the New Hampshire Energy Code (RSA 155-D) mandating that when building new homes with any provision at all for fossil or electric heat, planning to spend more than 50% of the current value of a structure altering that structure, construct a commercial structure under 4000 square feet, winterizing a seasonal home or part of an existing structure, **OR** constructing an addition with more than 150 square feet of

floor space must meet the 7 International Energy Code (IECC 2000). Certificate of Compliance from NH Public Utilities Commission must accompany a building permit. Web site: www.puc.state.nh.us

- B. The State of New Hampshire Building Code, Fire Code, and local codes apply to every property and structure, whether or not the Town chooses to enforce the codes directly or to require permits. It is the property owners' responsibility to educate themselves regarding applicable statutory code requirements. Notification and involvement of applicable local, state, and federal boards and authorities is required, including but not limited to, the Board of Selectmen, Planning Board, Conservation Commission, and Fire Department.**
- C. Property owners are obligated to follow the New Hampshire Building Code and must "notify the state fire marshal concerning the type of construction before construction begins, excluding one- and two-family dwellings," under RSA 155-A:2, VI.**

EDIT ARTICLE VI, Section 1:

ARTICLE VI ADMINISTRATION AND ENFORCEMENT

SECTION 1. APPROVALS .

- A. New construction: To assure compliance with the regulations of ~~Article IV~~ of this ordinance, it is required that a **building/construction/change of use permit and** site plan with contours and elevations be submitted and an approval in writing be secured from the ~~Board of Selectmen~~ **Town** before any construction is commenced. An approval review fee based on administrative cost shall accompany said permit.
- B. Existing construction: Because it was sited prior to the date of this Ordinance, a building may already exceed the limitations of ~~Article IV~~ **this Ordinance**. To assure that these limitations are not further infringed, it is required that any proposed change which would affect setbacks, height limitations, **expansion of** or change in usage, **or any other item in conflict with the regulations of this ordinance** be approved as in A. above before construction is begun.
- C. ~~No approval shall be required for any refurbishing, repairing, renovation or rebuilding of any existing structure which does not, and will not, infringe on the limitations of setback or height as noted in this Ordinance.~~
- D. Any application for a building permit, not meeting the provisions of ~~Article IV~~ **this ordinance** must, apply for a variance **or special exception** from the Board of Adjustment before submitting the application to the Board of Selectmen for approval.
- E. Approval or waiver of a construction permit under this Ordinance does not constitute approval or waiver under the New Hampshire Building Code or Fire Code. Additional approvals, permits, or inspections that may be required under the Fire Code are outside the scope of this Ordinance. The Town may request**

assistance from the State Fire Marshal, or others, to perform the duties of building code enforcement. (RSA 155-A:2, IV) The Fire Chief has primary jurisdiction for local application of the NH Fire Code. (RSA 154:2, II)

SECTION 2. ENFORCEMENT:

This Ordinance shall be administered and enforced by the Board of Selectmen or their designee.

A. The Board of Selectmen or their designee shall administer this Ordinance literally and shall not have the power to permit any use of land or buildings which is not in conformance with this ordinance. The Board of Adjustment as noted in ARTICLE VII must approve special exceptions and any variances from the terms of this Land Use Ordinance.