

Town of Jefferson
Office of the Planning Board

Minutes
September 24, 2019

Members present: Chairman Jeff Young; Michael Meehan, Jason Call, alternate;
Gil Finch, Donna Laurent, Kevin Meehan, Selectmen's representative

Absent: Gordon Rebello

Others present: Charlene Wheeler, Board secretary

The meeting was called to order at 7:00 p.m. In the absence of a regular member, Jason Call was designated a voting member for this meeting.

Minutes

Michael Meehan made the motion to approve the minutes as read of the September 10, 2019 meeting, seconded by Jason Call. The vote to accept the motion was unanimous.

Hearing – Continued – Kenison Campground

There were no new updates to their proposal.

Financial Report

The Selectmen's Assistant was not able to provide a report in time for this meeting.

Communication

The annual NH Municipal Association conference for town officials will be held on November 3rd and 4th in Manchester.

Information about a possible dam being built on Priscilla Brook was shared with members.

Copies of building permits were circulated.

Copies of Selectmen's minutes were circulated.

The September/October issue of *Town and City* was circulated.

Other Business

The Select Board is asking the Planning Board to consider language be added to the Land Use Ordinance to give a definition for or to clarify regulations, if any, for short-term or vacation rentals. Some Planning Board members felt these units should be considered lodging or tourist accommodations. These can be permitted in the town by Special Exception. These accommodations may be operating under the umbrella of Airbnb or other similar companies. And can range from a single room to a whole house or property. The Board secretary gave members an outline of a possible amendment to Section 2 listing special exceptions and a possible definition of a short-term rental as a starting point for discussion:

SECTION 2. PERMITTED USES BY SPECIAL EXCEPTION The following additional uses may be permitted by the Board of Adjustment (see Art. VII) and shall be considered as Special Exceptions:

- A. Motels, hotels, tourist accommodations and lodging units, **and any other short-term or vacation rentals**, 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)

Definition:

Short-term or Vacation rental – Any individually or collectively owned single-family house or dwelling unit or any unit or group of units in a condominium, cooperative, or timeshare, or owner-occupied residential home, that is offered for a fee and for less than 30 consecutive days.

Many towns in New Hampshire are grappling with this issue. However, towns can regulate short-term rentals as long as they are consistent and do not impose additional ordinances. Also, it is the property which is to be considered not the broker as to use. It doesn't matter if is offered by a booking agent or a single individual. The fact that an owner may be living in the residence being offered as a short-term rental does not mean it can't be considered as a short-term rental unit needing a Special Exception.

There was a lengthy discussion of just how to define what describes such a rental in terms of its length. Less than 30 consecutive days was the starting point based on RSA 48-A. Is this clear enough to require such a business to be required to seek a Special Exception or is more explanation needed? There was a question if the word consecutive should be removed. Rooms and meals taxes are collected for rentals less than 185 days (RSA 78-A). Some Board members think the terms tourist accommodations and lodging units already in the Ordinance are already saying short-term rentals require a special exception to operate. How is a short-term rental unit identified? It could be brought to the attention of the Select Board by someone, perhaps an abutter. Another thought was if it was seen to be advertising either by signs along the roads or highways or on the internet or in publications.

The Board secretary was asked to contact the town's attorney to ask if the Board was making itself clear on the definition or if the attorney has any advice on how it might be improved upon.

Board members hoped they could address new language for the Land Use Ordinance in time to hold the necessary hearings and have it included for a vote at Town Meeting in March.

The Board secretary reminded the Board that June Garneau will be at the Board's next meeting October 8 to continue work on the Master Plan. June had sent copies of the survey questions with changes made at the last meeting along with a copy of town statistics.

Michael Meehan made a motion to adjourn the meeting, seconded by Donna Laurent. The meeting was adjourned at 9:03 p.m.

Charlene Wheeler
Secretary to the Board

