

**Town of Jackson Planning Board**  
**Minutes - February 3rd, 2020 - Public Hearing**  
**- UNOFFICIAL UNTIL APPROVED**

**Call To Order:** Bill Terry, Chair, called the hearing to order at 7:05 P.M. Attending were Members Bill Terry, Scott Badger, Kathleen Dougherty, Sarah Kimball, Chris McAleer, Alternate Huntley Allan, and Selectperson's Representative Dick Bennett. Member David Campbell notified the Chair he would not be in attendance. Hank Benesh was also present to create an audio/visual recording of the meeting, which may be found on JacksonFlicks.com.

**Public Hearing:** The Board presented revisions to the proposed regulations to be placed on short-term rental (STR) properties in the Town of Jackson (hereafter, "the Town") to all public attendees. Discussion was led primarily by Bill Terry and Scott Badger. Some changes were made to the proposed regulations between the time of public posting and the public hearing and were addressed directly. Public attendees were recognized to ask questions and provide comments or suggestions throughout the hearing.

In two separate instances under 4.4.3.6.b items i. and iii., references were previously made to town-adopted fire and safety codes. After being informed by Jay Henry, Jackson Fire Chief, that there are no such town-adopted codes, both items were changed to instead refer to New Hampshire (NH) State Fire Code and NH State Building Code.

In addition to existing language under 4.4.5.1, a statement was added to explicitly state that STRs in operation in the Rural Residential District if and when the proposed regulations are adopted at the March 12th town meeting will be exempt from restriction on the maximum number of rentals per property per year. This statement was added as a clarification of intent in response to a letter received by the Board from Becky and Davey Armstrong expressing concerns about being limited in their ability to do business under the proposed regulations. Also in 4.4.5.1, the proposed maximum number of rentals per property per year for STRs operating in the Rural Residential district was increased from 25 to 30 in response to public comment.

In 4.4.6.1, some words were changed to clarify intent in regards to fines and penalties. First, the first and second violations "may result in" their respective penalties, as opposed to the previous phrasing of "will result in" a penalty. This change was made to allow for some leniency in cases where violation may be unintentional and corrective action may be taken immediately. Phrasing for the third violation did not change, as the occurrence of three separate violations would indicate that no corrective action has been taken and the appropriate penalty should be enforced. Second, when revocation of the Conditional Use permit for the STR in question results from a third violation, the period for which the owner may not apply for reinstatement of said permit

was shortened to three months, in response to public comment that the previous period of one year was too harsh a punishment.

Based on a suggestion from Dick Bennett, item 4.4.3.6.b.ii was reworded for clarification. The new language for the item specified that windows and doors “designated for emergency egress” must be “maintained and in operational order”.

The Board recognized several members of the public for comment after elaborating on the editorial changes. Jackson residents expressed concern that increasing the limit of rentals per STR property per year from 25 to 30 would be too permissive and would not effectively regulate STRs in the Rural Residential District. Scott responded that such an increase was suggested in the previous public hearing by STR owners in the Town who were concerned that 25 rentals would be too restrictive. After further discussion about STRs operating as businesses in the Rural Residential District, Scott further stated that, in the case that the proposed regulations are not adopted and a Jackson resident makes a complaint about a STR property citing standing town ordinances, any action taken against the STR in question would need to be taken against all STRs operating in the Rural Residential District without discrimination. In summary, he concluded that adoption of these regulations would protect STRs whose operations benefit the town while making STR owners responsible for maintaining their properties and keeping order with their tenants.

Additional public comment raised questions about an abutter’s ability to prevent a property from being used as a STR. Dick clarified that an abutter could not be aggrieved on the sole basis of a property being registered as a STR and, furthermore, that an abutter would need to have concerns about public safety or violations to standing ordinances to appeal the Board of Selectmen’s decision on the Conditional Use permit application as an aggrieved party.

Chris motioned to adjourn the public hearing, and Dick seconded. The motion was carried unanimously, and the public hearing was adjourned at 8:25 P.M.

**Regular Meeting:** Following the adjournment of the public hearing, a regular meeting for the Board was held. The Board voted on whether or not to accept the editorial changes made to the proposed STR regulations as described during the public hearing.

Scott motioned to approve the changes to items 4.4.3.6.b.i and 4.4.3.6.b.iii, in which references to (non-existing) town-adopted codes were replaced with references to NH State Fire Code and NH State Building Code. Sarah seconded the motion, and it was put to vote. The motion was carried unanimously, and the changes were accepted.

Chris motioned to approve the addition of language in item 4.4.5.1 to clarify the exemption of STR properties in operation prior to the regulations' pending adoption at the March 12th town meeting from the limitation of 30 rentals per property per year. Scott seconded the motion, and it was put to vote. The motion was carried unanimously, and the change was accepted.

Chris motioned to recommend the proposed STR regulations as a warrant article to be put to public vote on March 10th, with the results to be announced at the March 12th town meeting. Scott seconded the motion, and it was put to vote. The motion was carried unanimously, and the proposition was recommended to be included as a warrant article.

Dick motioned to adjourn the regular meeting, and Chris seconded. The motion was carried unanimously, and the meeting was adjourned at 8:45 P.M.

Respectfully submitted by Will Reisig