

Jackson Planning Board Minutes
August 13th, 2020 - Regular Meeting

• **UNOFFICIAL UNTIL APPROVED**

Call To Order: Bill Terry, Chair, called the meeting to order at 7:10 P.M. Attending were Members Bill Terry, Scott Badger, Kathleen Dougherty, Chris McAleer, David Campbell, Sarah Kimball, Alternate Huntley Allan, and Selectperson's Representative Dick Bennett. Public attendees included Frank Benesh, Jerry Dougherty, Chris Bridge, Bob Eagle, and Hank Benesh. Audio and video recorded via the Zoom platform will be made available on Jacksonflicks.com.

Approval Of Minutes: Minutes from the July 9th regular meeting were reviewed. Scott motioned to approve the minutes, and Sarah seconded. The motion was carried unanimously, and the minutes were approved.

Review of Short-Term Rental Applications: The Board reviewed two applications for short-term rental registrations. Dick cautioned Members to be vigilant in their review, stating that multiple applications were denied at the previous Board of Selectmen's meeting, due to insufficient egress or lacking a room and meals tax number. Prior to voting on the applications, Dick raised a question regarding the requirement for an applicant to provide their own room and meals tax number. The Board had assumed that STR owners using AirBnB would be provided a tax number for them. Instead, AirBnB only handles payment of the tax, not issuing of tax numbers. The Board will discuss the requirement of a room and meals tax number, among other items, further in future meetings when addressing potential improvements to the ordinance.

The first application for acceptance was submitted by Lisa and Alexander Payne for 30-2 High Pastures West. Scott motioned to accept the application, and David seconded. The motion was carried unanimously, and the application was accepted and returned to the Board of Selectmen for approval. The second application was submitted by Kim Horrigan for 62 Thorn Hill Road. David motioned to accept the application, and Kathleen seconded. The motion was carried unanimously, and the application was accepted and returned to the Board of Selectmen for approval.

Driveway Permit Denial: In order to address incidents caused by the steep grade of his current driveway, Frank Benesh hoped to obtain permission to have his driveway relocated to allow easier access. He obtained an easement from the Ellis River Condominium Association to have a new driveway installed to access his home from Beech Hill Road, instead of the current driveway on Route 16. The Board of Selectmen denied a permit to Frank for the new driveway, citing a 1972 document stating that "there shall be no modification of the properties committed to "Open Space" hereunder...without the prior appropriate authority from the Town of Jackson Planning Board". Frank contended, as did the Ellis River Condominium Association, that this open space was, in a later document, dedicated as common space, which does not carry the same protections as open space. He also argued that the easement granted by the Association was not included in the open

space dedicated by the 1972 declaration. Therefore, he questioned whether the Planning Board would need to be involved at all.

There was considerable discussion about the documents in question, the definitions of common land and open space, and who had rights of ownership to the easement obtained by Frank. At length, Sarah referred to a 1982 document showing that the Planning Board had already approved a subdivision of the open space specified in the 1972 document, superseding the previous designation of open space and redefining it as common property. Bill concluded that the permit denial was no longer a current Planning Board issue, following the 1982 subdivision. He recommended that the issue be returned to the Board of Selectmen.

Capital Improvement Plan Update: Dick had nothing to add to discussion about the capital improvement plan. Bill asked Dick and Kathleen to present some information at the next regular meeting.

Public Comment: Bill recounted some discussion with Peter Malia about short-term rentals and cluster development, which he wished to discuss with the Board at the next regular meeting as an agenda item. This discussion would include suggested amendments to the ordinance to clarify what would be expected of STRs, their owners, and renters.

Jerry Dougherty described how the Town of Jackson, formerly the Town of Adams, was renamed in 1829 after President Andrew Jackson. He also described how Mount Jackson, located in the White Mountain Valley, was named for Charles Thomas Jackson, a physician and geologist. Jerry explained that he intended to present a warrant article at the next town meeting to dedicate the naming of the town to Charles Thomas Jackson over Andrew Jackson, and he asked that the Planning Board consider the article and decide its stance on it before the town meeting.

Other Business: Scott motioned to adjourn the meeting, and David seconded. The motion was carried unanimously, and the meeting was adjourned at 8:58 P.M.

Respectfully submitted by Will Reisig