

**Town of Jackson Planning Board**  
**Minutes - September 10th, 2020 - Regular Meeting**  
**- UNOFFICIAL UNTIL APPROVED**

**Call To Order:** Bill Terry, Chair, called the meeting to order at 7:05 P.M. Attending were Members Bill Terry, Scott Badger, Kathleen Dougherty, David Campbell, Sarah Kimball, Alternate Huntley Allan, and Selectperson's Representative Dick Bennett. Member Chris McAleer informed the Board that he would be unable to attend, and Huntley was appointed as a voting member. Public attendees included Ed Harvey, Diane and Tom Pratte, Kevin Breen, Matt and Joy Osborne, Ned May, Christian Klein, and Hank Benesh. Audio and video recorded via the Zoom platform will be made available on Jacksonflicks.com.

**Public Comment:** Huntley expressed concerns over some problems reported over STR properties. Bill stated that there would be later discussion over STR issues on the agenda.

**Approval Of Minutes:** Minutes from the August 13th regular meeting were reviewed. Scott motioned to approve the minutes, and Sarah seconded. The motion was carried unanimously, and the minutes were approved.

**Discussion on Short-Term Rentals (STRs):** Bill summarized a discussion during the recent Board of Selectmen meeting about the possible formation of a resident committee to provide suggestions and feedback on the regulation of STRs. He also emphasized that, as the deadline for issuing a warrant article approaches, the Board should organize their plan of action regarding revision of the STR ordinance and begin the public hearing process.

Bill made mention of some issues raised at the Board of Selectmen meeting and others related to the approval process for STR applications. Among these issues, he highlighted one of "clustered" properties, where properties in a group of STR properties could be divided between the commercial and rural residential districts, as dictated by zoning lines. The Planning Board had previously decided that, if at least one clustered property was within the commercial district, all properties in that cluster would be considered within the commercial district as well. Town attorney Peter Malia agreed with this but suggested updating the ordinance with language to reflect the decision, among other suggested changes. Sarah asked if the Board's decision referred to clustered properties or simply to properties which were divided between the commercial and rural residential districts by the zoning line. Bill was unsure of the precise context of the decision. Scott recommended that Peter Malia be asked to help clarify, and Bill agreed with the suggestion.

Scott mentioned that the limitation of 30 rentals per property per year on STR properties in the rural residential district has been misinterpreted on multiple occasions as a maximum of 30 days of rental per year. He asked if there would be merit in switching the limitation to number of days rented instead of number of rental instances. Dick answered that this has not been an issue with the Board of Selectmen but it would be worth clarifying the language in the ordinance to prevent further misunderstanding.

Bill related concerns from the Board of Selectmen about the contents of the STR application. For example, the application does not ask for an example of an STR's current advertisement. He also highlighted the issue of meals and rooms tax licensing for STR properties which rent exclusively through AirBnB, an issue also addressed in a letter to the Planning Board and the Board of Selectmen from Heath Doucette. Citing a Technical Information Release from the State of New Hampshire<sup>1</sup>, Bill stated that AirBnB hosts are not required to maintain a separate meals and rooms tax license if they operate exclusively through AirBnB.

There was additional discussion about how to handle the registration in the case that any information about a registered STR property changes, such as acquiring a different meals and rooms tax license. Bill stated that, as dictated by the rules surrounding a Conditional Use permit, the permit application must be resubmitted if any information about a property's use changes. However, if nothing changes, a renewal is not necessary and cannot be required. Scott suggested that the Board determine whether any information could be obtained from AirBnB regarding whether or not an owner rents exclusively through their platform. This would help determine if and when a property's information might require an update. In further discussion, Bill clarified that the registration and Conditional Use permit do not equate to licensing and asserted that, under his understanding of state law, the town may issue a Conditional Use permit but does not have the right to license STR properties.

The Board discussed how to handle complaints and enforce regulations and how to cover the costs of said enforcement. Dick informed that Peter Malia would be attending a Board of Selectmen meeting on September 15th and stated his intent to direct some questions about handling complaints and enforcement to him. Bill advised the Board to consider what they have learned from the initial implementation of the regulations and how they could improve the regulations to aid the Board of Selectmen.

Scott brought up a question on how to evaluate a STR property's maximum advertised occupancy if there were to be a discrepancy between the number of bedrooms in the property's building permit and number of bedrooms planned for in the septic system, in the case that both plans are on file for that property. Dick answered that such discrepancies between the building

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<sup>1</sup> NH DRA Technical Information Release (TIR) 2017-008;  
<https://www.revenue.nh.gov/tirs/documents/2017-008-airbnbhosts.pdf>

permit and septic system would be highly unlikely. He suggested potentially using the septic plan first, the building permit in its absence, and the tax card in absence of both to determine the number of bedrooms in a property. Bill stated that Peter Malia would be able to provide further guidance on any necessary changes to the ordinance to reflect such evaluations. Dick also suggested clarification on the acceptable dimensions of accessible egress from living spaces in a STR property.

**Review of Short-Term Rental Applications:** The Board reviewed seven (7) applications for short-term rental registrations for multiple parties and at various addresses, as listed in the meeting's agenda. Sarah reviewed the advertisements for the properties in the applications on AirBnB and VRBO. For the advertisement on 43 Juniper Way, she found discrepancies between the advertised maximum occupancy and the diagrams for the property, which showed more beds than should have been allowed for maximum occupancy. Matt and Joy Osborne, owners of the property, confirmed that their advertisement adhered to the regulation for maximum occupancy and stated their intent to change their diagrams to reflect their advertisement.

The Board recognized Diane Pratte to comment. She suggested implementing a random selection of STR properties periodically to be inspected by the Board of Selectmen or by a volunteer committee group.

Bill reminded that the Planning Board's role is to confirm that an application is complete and to return it to the Board of Selectmen for approval with any comments for their consideration.

For the application on 19 Ridge Road, town official Julie Hoyt noted a discrepancy between the maximum occupancy on the application and the advertised maximum occupancy. No representatives for the property were available for comment. Bill added this note to the Board's comments to be reviewed by the Board of Selectmen.

Comments in the meeting's chat also mentioned that the Board of Selectmen sought input from building inspector Kevin Bennett in reviewing STR applications. Bill asked for comment, and Dick stated that multiple resources were being used to confirm information submitted on applications before deciding whether or not to approve.

The Board agreed to accept all seven applications as a group. Scott motioned to accept the applications and return them, along with the Board's comments, to the Board of Selectmen for approval, and David seconded. The motion was carried unanimously, and the seven applications were accepted.

**Capital Improvement Plan Update:** Dick provided a spreadsheet with an approximated plan to keep the town's tax rate as flat as possible over the next ten years. He explained that some funds

have already been allocated in anticipation of future expenditures to reduce the burden of cost. Bill asked if the plan differed from expectations or if the plan included any new information. Dick answered that the estimations included a few new items, such as new computers for the town office. Bill proposed that a “public listening session” be held to obtain public comments and suggestions. This will be discussed and the plan reviewed further at the next regular meeting.

**Other Business:** David motioned to adjourn the meeting, and Kathleen seconded. The motion was carried unanimously, and the meeting was adjourned at 8:40 P.M.

Respectfully submitted by Will Reisig