

Town of Jackson Planning Board
Minutes - January 14, 2021 - Public Hearing and Regular Meeting
- UNOFFICIAL UNTIL APPROVED

Call To Order: Bill Terry, Chair, called the meeting to order at 7:03 P.M. Attending were Members Bill Terry, Scott Badger, Kathleen Dougherty, Chris McAleer, David Campbell, Sarah Kimball, and Selectmen's Representative Dick Bennett. Alternate Huntley Allan was unable to attend. Public attendees included Seth Burnell, Hank Benesh, Ed Harvey, Diane Pratte, Jess and Joe DellaValla, Scott Kudrick, Andy Dean, Stu Gerome, Scott Barringer, and Gordon Powers.

Approval Of Minutes: Minutes from the December 10th, 2020 meeting were reviewed. **Scott motioned to approve the minutes, and David seconded. The motion was carried unanimously.**

Public Comment: Public attendees did not express any public comments for non-agenda discussion.

PUBLIC HEARING: Bill called the public hearing to order at 7:08 P.M. Two hearings were identified: one for a lot subdivision, and another for a zoning ordinance amendment.

Lot Subdivision: Prior to discussion, Bill recused himself from the hearing, as he is a Board member of the Jackson Ski Touring Foundation. Scott was selected to lead the hearing in Bill's stead.

Seth Burnell, with HEB Engineering, was recognized to comment. Seth stated that the Jackson Ski Touring Foundation (JSTF) had been in continued conversation with Gordon Powers, Trustee of the Powers Family Trust, regarding details of a driveway planned for if/when the subdivision were to be approved. In the meantime, however, Seth asserted that the requirements for the subdivision had been met. Andy Dean, attorney representing the JSTF, was also recognized to comment. Andy had been in contact with Gordon's attorney and had developed some legal language to an agreement between the two parties. The agreement on the driveway, however, would not be an obstacle to and would, in fact, be dependent upon the approval of the subdivision.

Sarah asked if any question remained on whether the checklist for the subdivision application had been completed, and Scott answered that he had confirmed that the checklist was complete. Gordon Powers was recognized to comment. Gordon had met with the lawyers representing himself and the JSTF to discuss the portion of the proposed driveway that would cross onto his property. Although a plan for the driveway's design had not been finalized at time of meeting, Gordon agreed that the subdivision could be approved so long as it remained separate from the

driveway being built. The Board acknowledged that only the lot subdivision was being considered at the present meeting and that the building permit for the driveway would need to be discussed at a later date at its own public hearing.

Sarah motioned to approve the lot subdivision application, and David seconded. The motion was carried unanimously. Following this vote, the hearing for the subdivision was closed, and Scott returned the lead for further items to Bill.

Zoning Ordinance Amendment: Bill read the proposed amendment aloud as it appeared on the meeting's agenda: "To see if the Town will vote to adopt an amendment to the Town's Zoning Ordinance, Section 4.4, Short Term Rentals, subsection 4.4.3.2 that sets forth an application fee of \$50.00 for the owner of a Short Term Rental property to apply for a Conditional Use Permit. This amendment would increase the application fee to \$150.00 to better cover the Town's processing costs. Proposed by the Board of Selectmen. Recommended by the Select board (3-0). Recommended by the Planning Board (7-0)."

Sarah asked if the application fee would only be raised for applications submitted after the amendment were approved. Bill confirmed that the raised fee would not be applied to applications already submitted unless explicitly stated in the amendment. Scott Barringer was recognized to comment. Scott asked if there was any consideration to raise the application fee higher than \$150. Bill answered that the Board of Selectmen did consider multiple suggestions from the STR committee in determining a new fee to suggest for the amendment. He explained that the Board intended the fee to reflect the cost of processing an application, rather than making the application process a profit center, and agreed that \$150 was an appropriate assessment of processing costs and a fair price for application. Dick attested to this point as well, as a member of the Board of Selectmen.

Dick asked if the raised application fee would take effect immediately at time of meeting and remain in effect until/unless voted down at town meeting. He cited previous examples of other warrant articles dealing with fees, such as building permits, which were put in place as soon as they were approved to be added to the town warrant, not when they were voted in at town meeting. After some discussion among Members, Bill concluded that the decision should be left to the Board of Selectmen and would not be an issue for the Planning Board.

Scott motioned to recommend the amendment as a warrant article, and Chris seconded. The motion was carried unanimously. Following this vote, the public hearing was closed at 7:39 P.M.

Short-Term Rental (STR) Applications: The Board reviewed eight (8) applications for STR registrations for multiple parties and at various addresses, as listed in the meeting's agenda. The Board decided to accept the applications on an individual basis.

- 69 Dundee Road: **Dick motioned to accept the application, and Kathleen seconded. The motion was carried unanimously.**
- 18 Lower Highlands Road: Stu Gerome, STR operator, was recognized to comment. Stu mentioned that the property was being advertised for four bedrooms, normally three bedrooms but with a bunk room to accommodate additional occupants. Because the advertisement listed the property as "sleeps eight", it did conform with regulations for a three-bedroom property. **Scott motioned to accept the application, and Kathleen seconded. The motion was approved unanimously.**
- 10A Georgia Lane: **Scott motioned to accept the application, and Chris seconded. The motion was approved unanimously.**
- 124 Dundee Road: **David motioned to accept the application, and Scott seconded. The motion was approved unanimously.**
- 996/998 NH Route 16: Scott Kudrick, STR operator, was recognized to comment. Scott explained that a single septic complex with two systems was used by both properties at 996 and 998 NH Route 16. After some discussion, Bill concluded that the Board should comment on the unique circumstances of the septic systems, which would make it more appropriate for both the Planning Board and the Board of Selectmen to consider the approval of the two properties together, rather than considering them separately. **Sarah motioned to accept the two applications together with the Board's comments, and David seconded. The motion was approved unanimously.**
- 7 Meserve Hill Road: **Scott motioned to accept the application, and Chris seconded. The motion was carried unanimously.**
- 88 Dundee Road: **David motioned to accept the application, and Scott seconded. The motion was carried unanimously.**

After considering and voting on all applications, Bill recognized a letter sent to the Planning Board and the Board of Selectmen from Scott Kudrick regarding the circumstances of 996 and 998 NH Route 16. He asked that acknowledgement of the letter be included in the Planning Board's comments to the Board of Selectmen.

Other Business: Bill commented that Chris McAleer's term as a Member of the Planning Board would end this year and that he had encouraged Chris to continue his position as a Member.

Scott motioned to adjourn the meeting, and Chris seconded. The motion was carried unanimously, and the meeting was adjourned at 8:04 P.M.

Respectfully submitted by Will Reisig