

Town of Jackson Planning Board
Minutes – January 13, 2002 – Public Hearing & 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, David Campbell (via Zoom), Sarah Kimball, Scott Badger, Chris McAleer, Kathleen Dougherty (via Zoom), Selectman's Representative John Allen (via Zoom, although present, due to technical difficulties John was not able to participate in voting activities of the board), Alternate Dick Bennett (via Zoom) and Alternate James Wasco (via Zoom). Alternate Huntley Allan was unable to attend. Public attendees included Hank Benesh, Pat Keenan (Black Mountain Meadow Condos), and Kevin Bennett (Jackson Building Inspector), via Zoom attendees were Ed Harvey, Heath Doucette, and Ginger Perkins. Audio and video recorded by Hank Benesh will be made available on Jacksonflicks.com.

Bill Terry, Chair determined voting members would be the six Members attending.

Approval Of Minutes: Minutes from the December 9, 2021, meeting were reviewed. There were no changes to minutes. Member Badger moved to approve the minutes, and Member Chris McAleer seconded. The motion was approved unanimously.

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

PUBLIC HEARING: Chairman Terry called the Public Hearing to order at 7:10 P.M. Voting members were Bill Terry, David Campbell, Sarah Kimball, Scott Badger, Kathleen Dougherty, and Chris McAleer. Chairman Bill Terry explained the rules of a public hearing.

Groundwater Protection Ordinance: Member Kimball presented her edited version of a model ordinance for Ground Water Protection initiated by the Saco Water Alliance to protect water sources and ensure good drinking water in the MWV. Other towns that used the model ordinance for inspiration include Hart's Location and Freedom. Over ninety towns in NH have some type of groundwater ordinance in place. Member Kimball organized the model ordinance to be more readable and user friendly. The proposed Groundwater Protection District is an overlay district that includes the NHDES established wellhead protection areas of all the community wells, the protection area of the Jackson Water Precinct and the areas of aquifer. The size of the wellhead protection areas is dependent on the amount of water drawn from the well. Member Kimball reviewed individual sections in detail including Performance Standards for Permitted Uses, Existing Non-Conforming Uses, Prohibited Uses and Exemptions. Even though many of the regulations in the proposed ordinance are presently covered by state regulations, she stated that it is important for the Town to have their own regulations as a second pair of eyes to support the State.

Public attendee H. Doucette commented that the ordinance is a good start. Her question was how complete it is in adding protection against the privatization and commercial use of water in Jackson. There is nothing in the ordinance about bottling water or the amount of water used and would we consider adding that to the ordinance. Member Kimball reiterated that the focus of this ordinance is to deal with protection of water source and in further discussion, board members agreed that might be a future item for consideration.

Member Dougherty asked about the types of surface and containers that must be used to protect the groundwater for petroleum products Member Kimball stated that the ordinance only applied to storage of regulated substances like gasoline in quantities of more than five gallons and only in that part of town within the Groundwater Protection District.

Member Badger discussed the issue that was raised earlier regarding protection for the amount of water use in future changes. He indicated that the limited amount of water sources available in Jackson might be a deterrent for larger scale private or commercial use.

Public attendee Kevin Bennett also mentioned that the ordinance is a great start. He indicated concern for other wells not indicated on map. Member Kimball responded that the State does not detail wellheads until they meet a minimum number of homes serviced. K.Bennett questioned if all wells should be included in the protection ordinance. Discussion followed that current ordinance already protects wells from septic. Chairman Terry mentioned that the model ordinance excluded residential use in the groundwater protection district but we chose to include it in our ordinance. Member Kimball stated again that the ordinance is a start to protect groundwater. K Bennett said his biggest concerns have to do with home oil fuel and tanks leaking.

Following further discussion, Member Kimball asked if there is anything that needed to be added to the ordinance at this time. Chairman Terry emphasized that there are many State regulations that support groundwater protection, but this ordinance will allow us to take the initiative at the local level to support State efforts.

Public Attendee Doucette again asked the Board to consider protection of usage with the number of hotels, golf course and growing number of new wells to conserve our water sources. The request was duly noted for future consideration.

Chair Terry asked the Board for a motion to support a warrant article for the Ground Water Protection ordinance to Town vote. Member Badger motioned to move forward and Member McAleer seconded the motion. The motion was approved unanimously.

Short-Term Rental (STR) Ordinance Discussion enhancement: Member Campbell presented the language on the Conditional Use Permit associated with an STR property, Section 4.4, Short Term Rentals, subsection 4.4.3.6 by adding line (d) to require a new owner to submit a new application and meet the requirements of the application process for a Conditional Use Permit if they wish to continue use of the property as an STR. Member McAleer asked if there is a timeline for submitting the application. Member Campbell and Kimball explained the section

prior indicates the application is needed prior to operation. Member Badger asked if a “sunset” provision could apply.

Public attendee Doucette commented that she understands the need for latest information. She questioned several situations where the property changes ownership and the impact on booking commitments made. Chairman Terry stated the focus of the new application/information is to establish information regarding the new owner, contact person and M&R license, and to ensure the new owner commits to meet Town regulations. Chairman Terry reiterated that the relationship is between the Town and the owner not renters or sublet person and that responsibility of following the ordinance is on the owner. The new application should be filed within a timely manner. Member McAleer emphasized that it is the responsibility of the new owner to know the rules.

Public attendee Ed Harvey asked what would happen if the new owner does not want to operate an STR at time of purchase but wants to wait. Chairman Terry said the new owner would need to submit a new application at the time they want to begin renting.

Chair Terry asked the Board for a motion to recommend a warrant article for the changes to the Short Term Rental ordinance to Town vote. Member Badger motioned to move forward and Member McAleer seconded the motion. The motion was approved unanimously

Public Hearing closed at 8:25pm

Jackson Warrant Article Helfrich Land Swap: Chairman Terry presented a warrant article forwarded by the Town for a land swap. He read the warrant article. Property owned by the Town of Jackson is where the home is, and Property Owner owns the road property that the Town uses. Purpose is to approve the swap at the Town Meeting and, if approved, then it will become a Lot Line adjustment. Member McAleer motioned for the warrant article language to be recommended for Town vote, Member Badger seconded. The motion was approved unanimously.

Short-Term Rental (STR) Applications: The Board reviewed two applications for STR registrations for multiple parties and at different addresses.

1. Begin, Arthur – 82A Wentworth Hall: All documents appropriate and Ad is correct. Member Badger motioned to accept the application; Member McAleer seconded. Motion was approved unanimously.
2. Heidman, Jeanette – 93A Dinsmore Road: All documents appropriate, but no Ad was provided. The Ad is not available until after approval. Member McAleer motioned that we accept the application with comments that Ad must be provided once available. Member Kimball seconded the motion. Motion was approved unanimously.

Chairman Terry commented that the volume of Short Term Rental applications is slightly less than expected with almost two years since the ordinance was passed. He suggested that in mid-year we review the Short Term Rental ordinance to consider what it needs to be going forward, taking into consideration all factors.

Member McAleer moved to adjourn the meeting, and Member Kimball seconded. The motion was approved unanimously, and the meeting was adjourned at 8:43 P.M.

Respectfully submitted by David L. Campbell, Secretary