


**From:** Ed Harvey [edmundharvey@yahoo.com](mailto:edmundharvey@yahoo.com)   
**Subject:** Re: HARVEY - Jackson Select Board Administrative Decision Appeal  
**Date:** August 17, 2024 at 10:43 AM  
**To:** Frank Benesh [frank\\_benesh@alum.mit.edu](mailto:frank_benesh@alum.mit.edu), Julie Hoyt [townadmin@jackson-nh.org](mailto:townadmin@jackson-nh.org)



Print materials and fee to the town will be submitted in person to the town office on Monday, Aug 17. Thank you for your help organizing this submission. I am certain some pieces may be missing. Please let me know what else the ZBA needs after reviewing the submission. After careful consideration, I have decided to only submit an Administrative Decision Appeal. I am not applying for a variance. I disagree with the Select Board's decision as it relates to all STRs in Jackson. My property is not unique or special. The Select Board is simply overreaching in its interpretation. That is my appeal to the ZBA.

Thank you again for reviewing my submission. I will send electronic copies of the submission in pieces to avoid any file size overloads. Attached is my appeal application and related violations from the Select Board.

Ed Harvey  
781-789-1032

**APPEAL FROM AN ADMINISTRATIVE DECISION**

Do not write in this space.
Case No. _____
_____

APPEAL FROM AN ADMINISTRATIVE DECISION

Do not write in this space.
Case No. _____
Date Filed _____
_____ (signed - ZBA)

To: Zoning Board of Adjustment,  
Town of Jackson

Name of Applicant Edmund Harvey

Address 196 Packers Falls Rd, Durham, NH 03824

Owner Edmund & Heather Harvey  
(if same as applicant, write "same")

Location of Property 7 Balsam Dr, Jackson, NH  
(street, number, sub-division and lot number)

NOTE: This application is not acceptable unless all required statements have been made. Additional information may be supplied on a separate sheet if the space provided is inadequate.

**Appeal from an Administrative Decision**

Relating to the interpretation and enforcement of the provisions of the zoning ordinance.

Decision of the enforcement officer to be reviewed Select Board STR violation against regarding number of bedrooms advertised for rent. Jackson STR ordinance section 4.4.3.6 (b)(v).

See attached appeal explanation for more detail.

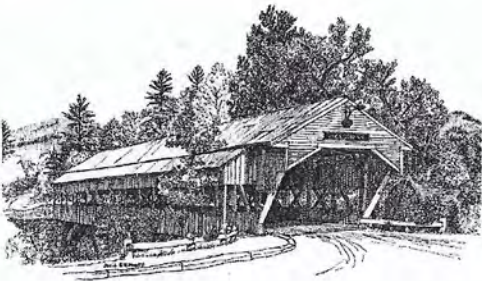
\_\_\_\_\_ number \_\_\_\_\_ date 07.23.24  
article \_\_\_\_\_ section \_\_\_\_\_ of the zoning ordinance in question: \_\_\_\_\_

\_\_\_\_\_ <insert argument supporting appeal here> See attached appeal explanation for more detail.

Applicant Edmund Harvey Date 08.13.2024  
(Signature)

# TOWN OF JACKSON

## OFFICE OF THE SELECTMEN



06/25/2024

Edmund & Heather Harvey  
196 Packers Falls Road  
Durham, NH 03824

**RE: Short Term Rental Violation – First Warning**

Dear Edmund & Heather:

Your property located at 7 Balsam Road appears to be in violation of ordinance section 4.4.3.6.b.v (advertising over the maximum number of bedrooms allowed.)

This letter qualifies as your first violation. The Select Board found that you are advertising your Short Term Rental at 7 Balsam Drive as a 3 bedroom rental that sleeps 6, while the permitted number of bedrooms that the STR can be advertised for, pursuant to Section 4.4.3.6 (b)(v), is 2 bedrooms (sleeps 6). Your original STR approval is for 2 bedrooms, sleeps 6.

According to the Town of Jackson Zoning Ordinance, the first violation results in a warning. If you do not correct this issue, a second violation could result in a \$275 fine. Please see the applicable Zoning Ordinance information below.

- 4.4.3.6 The application will be approved or denied by the Board of Selectmen using the following criteria:*
- b. As part of the application process the owner of the Short Term Rental unit must sign an Affidavit which shall certify the following:*
    - v. The maximum number of people that the dwelling unit can be advertised for in any published listing or other form of marketing, shall be two (2) people for each bedroom listed on the town issued building permit plus two (2) additional people.*

Please confirm by e-mail to the address below within 14 days of your receipt of this letter that you have corrected this issue. If you have any questions or concerns, please feel free to contact the Selectmen's Office at townadmin@jackson-nh.org. Thank you for your cooperation.

Sincerely,

The Town of Jackson Select Board

Barbara Campbell

Bob Thompson

Frank DiFruscio



Barbara Campbell \_\_\_\_\_

Robert Thompson \_\_\_\_\_

Frank DiFruscio \_\_\_\_\_

**Select Board Meeting Minutes  
Tuesday, July 23, 2024  
Unofficial Until Approved**

Present: Barbara Campbell, Chairman, Robert Thompson, Selectman, Frank DiFruscio, Selectman

Attendees: Julie Hoyt Town Administrator, Betsy Eaton Administrative Assistant, Chief Chris Perley, Sgt. Mike Mosher, Jay Henry Fire Chief, Jason Dennis Town Attorney, Bill Terry, Scott Badger, Phil Spinney, Damon Steer, Scott Saunders, Lynn Saunders

**1. The Meeting was called to order at 3:30 pm**

**2. Pledge of Allegiance was recited**

**3. Approval of Minutes:**

- a. July 9, 2024 – Regular Meeting Minutes  
*correction – 4d Bridge Repair acct # (0034)*

**Bob Thompson made a motion to approve the July 9, 2024 minutes as corrected, seconded by Barbara Campbell. All approved.**

**4. Discussion and/or Motions:**

- a. STR Discussion 7 Balsam Dr (Owner: Harvey)

The rental advertisement is not compliant with ordinance - 3 bedrooms sleep 6. The owner needs to alter advertisement for 2 bedrooms sleeps 6 within 24 hours to be compliant.

**Bob Thompson made a motion to file a letter of violation with the owner for being out of compliance in the number of bedrooms that the owners are advertising contingent on no change in the advertisement to bring the advertisement into compliance within 24 hours, seconded by Barbara Campbell. All approved.**

- b. Fireworks violation/Jackson Fire response

Fireworks violation was issued to the owner at 30 Red Barn Road that occurred on 7/6/2024 and was paid. At the same time, a large camp fire caused a first alarm response from Jackson, Bartlett and North Conway. Chief Perley and Chief Henry provided the Select Board a report and cost of incident. Chief Henry gave a verbal warning regarding the camp fire and a new permit is required.

**Bob Thompson made a motion to address a formal warning letter to the homeowners stating what the costs and risks that were associated with the incident. The letter will include a reminder that a second fireworks offense is a \$250.00 fine, seconded by Barbara Campbell. All approved.**

- c. Police Cruiser

2016 Dodge Ram police truck with all equipment removed. The old cruiser will be advertised for a starting bid of \$8250.00 in the Conway Daily Sun and on E-News. The sealed bids need to be

submitted to the Select Board no later than Monday, August 12<sup>th</sup> and the winning bid will be announced at the Select Board meeting on August 13<sup>th</sup>

**Barbara Campbell made a motion to advertise the 2016 Ram police truck for a minimum bid of \$8250.00 to be advertised in the Conway Daily Sun. Bids will be accepted for a specific period of time to be listed in that ad and it will be determined who the winning bid is at the next Select Board meeting on August 13<sup>th</sup>, seconded by Frank DiFruscio. All approved.**

d. Driveway culverts

The Highway Department has been doing a lot of work on replacing and cleaning out culverts. Frank DiFruscio, Selectman wants to remind homeowner’s that driveway culverts are their responsibility.

**Pending:**

e. Fire Station Engineer Study Update

Bob Thompson reported that Ricci Construction is collecting all the information needed to put together the 50% design development plans hopefully by the end of the week.

**5. Short Term Rentals:** No applications at this time

**6. Approved Building & Driveway Permits (FYI): Approved Building Permits**

NUMBER	OWNER	MAP/LOT	ADDRESS	PROJECT DESCRIPTION
2024-69	KORTHUIS	V05/29	24 DEER RUN	NEW GARAGE
2024-70	WIF HOLDINGS	R17/28B	357 BLACK MTN RD	CONVERT 2 <sup>nd</sup> FL GARAGE - 2 & 1 BDRM
2024-71	MCALEER	V5/5	74 WHITNEY HILL LOOP	2 CAR GARAGE
2024-72	WALSH	R31/28	539 TOWN HALL RD	REMODEL KITCHEN
2024-73	NOREN	R18/52	760 CARTER NOTCH RD	NEW GARAGE- 2 STORY/2 CAR
2024-74	MULKERN	V7/102	34 N HAMPSHIRE	NEW SINGLE-FAMILY HOME
2024-75	PERKINS	V7/29	41 LOWER HIGHLANDS	SCREEN PORCH ON EXISTING DECK
2024-76	LUDINGTON	V3/25	16 LITTLE BROOK RD	REPLACE ROOF
2024-77	UPPER SACO VALLEY LAND	R15/5	DUNDEE ROAD	REPAIRS TO FOUNDATION
2024-78	JAMES	R18/23	6 SPRING STREET	MOVE BATHROOM
2024-79	KAUBRIS	V8/20	86 BLACK MTN RD	PLUMBING – NEW BOILER

**Approved Driveway Permits (FYI):** Dundee Rd (R15 Lot 5) Upper Saco Valley Land Trust

**7. Public Comment:** Ed Harvey commented on a complaint against his STR having no window in the loft based on internet only advertisement and put on agenda for a Select Board meeting that he was unable to attend. Ed referred to 2016 blue prints and building permit showing a loft window. The false accusation could have been avoided with research.

**8. Upcoming Meetings:**

- *Tuesday, August 13<sup>th</sup> at 3:30pm*
- *Tuesday, August 27<sup>th</sup> at 3:30pm, Bartlett Jackson Ambulance work session at 4:30pm*


**9. Non- Public Session : N/A**

**10. Adjourn Meeting**

**Barbara Campbell made a motion to adjourn the meeting at 4:20pm, seconded by Bob Thompson. All approved.**

Respectfully Submitted by:  
Betsy Eaton

To view the full video recording of this meeting visit [www.jacksonflicks.com](http://www.jacksonflicks.com)

**From:** Ed Harvey [edmundharvey@yahoo.com](mailto:edmundharvey@yahoo.com)   
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Attached is my appeal letter to the ZBA along with a related discussion of hardship.


On Saturday, August 17, 2024 at 10:42:46 AM EDT, Ed Harvey <[edmundharvey@yahoo.com](mailto:edmundharvey@yahoo.com)> wrote:

Print materials and fee to the town will be submitted in person to the town office on Monday, Aug 17. Thank you for your help organizing this submission. I am certain some pieces may be missing. Please let me know what else the ZBA needs after reviewing the submission. After careful consideration, I have decided to only submit an Administrative Decision Appeal. I am not applying for a variance. I disagree with the Select Board's decision as it relates to all STRs in Jackson. My property is not unique or special. The Select Board is simply overreaching in its interpretation. That is my appeal to the ZBA.

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Ed Harvey  
781-789-1032

**ZBA Administrative Appeal -  
bedroom ads - submitted.docx**   
56 KB

**ZBA Administrative Appeal -  
bedroom ads - hardship.docx**   
18 KB

On June 25, the Select Board issued a first violation by certified letter for STR bedroom advertising for 7 Balsam Dr. The letter cited that the three bedroom STR advertisement exceeded the allowable number of bedrooms advertised per section 4.4.3.6 (b)(v) of Jackson’s STR ordinance. For your review, the section reads:

4.4.3.6 The application will be approved or denied by the Board of Selectmen using the following criteria:

b. As part of the application process the owner of the Short Term Rental unit must sign an Affidavit which shall certify the following:

v. The maximum number of people that the dwelling unit can be advertised for in any published listing or other form of marketing, shall be two (2) people for each bedroom listed on the town issued building permit plus two (2) additional people.

It is important to note that the STR advertisement in question limits the total number of renters to six people which the town agrees is the allowable maximum number of people per this same section’s listed calculation of two people per building permit bedroom listed plus two additional people. The only contention in this case is the number of bedrooms advertised, not the total number of people advertised. The septic plan for the property is based on two bedrooms, while the advertised sleeping space for the STR is three bedrooms, the third bedroom being a loft which is detailed in full in the advertisement.

On July 8, I sent an email to Town Administrator Julie Hoyt writing, “I respectfully disagree with the Select Board’s interpretation of Section 4.4.3.6 (b)(v). The town claims the cited section limits the number of bedrooms allowed to be advertised. The text of the section only limits the total number of occupants a Short Term Rental can advertise for, which the town acknowledges our advertisement meets (6 allowed, 6 advertised). The word “bedroom” is used once in the section as a function of math to arrive at the total occupants allowed. The bedroom reference states, “two people for each bedroom listed on the town issued permits.”” My email further clarified, “I would also argue that the town is being too simplistic in its viewing of advertisements. Our posting has always clearly delineated that our upfront 3 bedroom broad search description is specifically 2 bedrooms and a loft (see attachment from link you provided in your May 16 email). The loft occupies its own floor in the dwelling with two twin beds and has its own bathroom. Our “plus 2” occupants are not expected to futon in a living room or basement. We are transparent that the loft is a loft under the “Rooms & beds” section of our advertisement.” VRBO ad excerpt (7 Balsam Dr)

## Rooms & beds

### 3 bedrooms (sleeps 6)

#### Guest



1 Queen Bed

#### Loft



2 Twin Beds

#### Principle



1 Queen Bed

### 2 bathrooms

#### Downstairs



Soap · Towels provided · Bathtub or shower ·  
Bathtub · Toilet · Shampoo · Hair dryer

#### Loft



Towels provided · Toilet · Shower only

I additionally included the following statement in the same email, "As the (NH Supreme Court) recently ruled in Conway v. Kudrick, "We decline to contemplate any policy considerations regarding the effect of [short-term rentals] on the community when our task is to interpret the plain language of the Town's ordinance." In other words, the courts are not interested in Jackson's wishes to have written Section 4.4.3.6 (b)(v) differently to specifically address number of bedrooms advertised instead of only specifically limiting the total number of occupants."

The matter was added to the July 23 Selectmen public meeting agenda at my request after Julie Hoyt informed me by email that the Select Board had made the unusual decision to take this matter up with the town attorney in non-public session. The Select Board has decided multiple bedroom advertising cases in public session since the passing of the ordinance in 2020. My request to manage this publicly stems from having been falsely found to be in violation of STR violations in April 2023 regarding egress from the loft (rescinded by the Select Board in June 2023 with no explanation of error).

Immediately following the July 23 public meeting bedroom advertising discussion that included an explanation of 2020 Planning Board intentions from Planning Chair Bill Terry, the Select Board, in a 3-0 vote, found me to still be in violation of Section 4.4.3.6(b)(v). I was given 24 hours to change my advertisement description (a non-life safety issue) or I would be fined \$275.

I am asking the Jackson ZBA to reverse the Select Board's administrative decision on the grounds that section 4.4.3.6 (b)(v) only explicitly limits the maximum number of people a property can advertise. The Select Board claims the section implicitly limits bedrooms through the mention of bedrooms in the calculation used to determine the maximum number of people allowed. Section 4.4.3.6 (b)(v) is not a matter of ambiguity involving an exhaustive list of limits that might be described as "including but not limited to". Even by the Select Board's own expanded interpretation, this section only potentially limits two advertising aspects (people and bedrooms), yet only one (people) is clearly and specifically limited as having an advertising maximum. All language following " , shall be" in 4.4.3.6. (b)(v) is a function of math regarding the explicitly limited number of people allowed. The description of two people per bedroom represents a spatial relationship between people allowed per septic-based spaces in the dwelling, not a specified limit of the number of bedrooms allowed in advertisements.

Planning Board Chair Bill Terry's lengthy explanation of what the Planning Board was trying to convey in this section when it was authored in 2019/2020 adds language to the Select Board's decision that is not otherwise contained in the ordinance. Ordinances need to be able to stand alone, outlasting the service and availability of any given author or interpreter. If the Planning Board meant maximum number of bedrooms, they should have written "maximum number of bedrooms" just as plainly as they wrote "maximum number of people" in the same section. Attending meetings for subsequent years explaining what the Planning Board meant to do flies in the face of fair and balanced proceedings.

Jackson property owners, fighting to preserve their individual property rights, have a tall enough task convincing the Select Board that their ordinance interpretation is flawed without added consistent re-interpretation and massaged explanation over multiple years from another Jackson board. The ZBA is the appeals board of Jackson; the closest thing Jackson taxpayers have to the reasoned legal consideration offered in the courts (a time consuming, expensive venue). Having served on the ZBA in Durham for several years, I know how painstakingly precise the reviews can be, but in the end, specific language matters. Some aspects of an ordinance may be intentionally vague and left to interpretation for certain reasons. That is not the case in this section that specifically limits the total number of people and provides the specific formula by which to do so.

As stated previously, multiple NH courts have ruled on STR matters in the last few years (Conway, Freedom, Sunapee) and have emphasized the need for clearer ordinance language. The Jackson ZBA's website page describes the ZBA's duty to weigh ordinances (public interest) and individual property rights. This ordinance, as written, does not limit bedroom advertising. With maximum number of people limited, public health and safety is covered. Egress is required of any sleeping space regardless of description, be it bedroom, office, loft, or basement. The bedroom conversation at the July 23 meeting that preceded the Select Board's decision was focused on advertising (First Amendment) and best STR management practices (well beyond the Select Board's scope), not public health or safety, which again is covered by maximum number of people.

Consider that section 4.4.3.6 (b)(iii) of the same STR ordinance specifically requires that basements used for sleeping space have proper egress windows and/or door. As demonstrated by the false egress accusation brought against my property in 2023, proper egress is required for all sleeping areas, not just basements. The Select Board was wrong in that case because my loft has egress, not because egress is not required. The Planning Board seemingly picked and chose what to specify and what to simply explain in person in future meetings to help the Select Board further restrict property use, and even property advertising, with no specific language for property owners to review and consider when making decisions regarding their individual properties.

The Select Board, with no explicit bedroom limiting language or public health concern cited (covered by max number of people), cannot mandate how I best describe my property. In this particular case, the third bedroom in question is a large loft with full egress. The loft is larger than the dwelling's two bedrooms. As already stated, the loft is its own floor with its own separate bathroom including shower. At the point of new construction in 2015, with no furniture in place, it could be considered the principal bedroom by a perspective user/buyer. It is not a plus 2 sleeping on a pullout couch or in a smaller separate room best described as office space. With no explicit limit on bedroom advertisement and an allowable plus two to max our cabin at six people, the loft is most honestly described as a dedicated sleeping space to perspective short term renters. The advertisement in question does not and has never hidden the fact that it is a loft. It further includes a description of the twin beds in the loft (debunking a hypothetical third couple from Boston being fooled by our advertisement of three bedrooms that was posed by the Select Board at the July 23 meeting).

With regards to the downstream impact of a ZBA reversal of the Select Board's position in this particular bedroom advertisement case, in nearly every other instance that the Select Board has required an STR to reduce the number of bedrooms advertised, the additional bedroom in question resulted in an advertisement that exceeded the maximum number of people allowed per 4.4.3.6 (b)(v). Our advertisement does not exceed the maximum number of people allowed and therefore does not impact prior Select Board decisions involving cases that included maximum number of people change requirements. This really simply boils down to my First Amendment rights, not the septic, noise, or parking public interests covered by the clearly limited maximum number of people.

Prepared by Ed Harvey, owner/operator 7 Balsam Dr


## Hardship consideration

While this case is an appeal of an Administrative Decision, I do think the ZBA should consider the hardship created through STR first violations that the Select Board has repeatedly referred to as simply warnings. The first violation in a string of three violations connected in perpetuity that result in a stripping of property use is not simply a warning. A second STR violation over the life of an STR results in a \$275 fine. Compare that to a \$100 fine for a fireworks first violation and a \$250 fireworks violation for a second and third violation in the same year. I note "in the same year" because firework violations per Jackson ordinance, reset each year back to \$100, whereas STR violations stay connected FOREVER. Second STR violations might be a renter parking on the street for the afternoon in summer so their kids can play ball in the driveway at a property that is otherwise pollinator friendly, not a manicured lawn. Summer parking is otherwise legal in Jackson. Say this second violation happens 12 years from now. This bedroom advertising disagreement results in a \$275 parking ticket 12 years from now for an otherwise legal activity in Jackson. A third violation occurring 17 years from now, 5 years after the parking violation example, results in a loss of conditional permit with no guarantee of being approved for a permit after the three month loss period. That loss of property rights would result in a fine equivalent to thousands of dollars in lost rental income generated through residential use. This third violation could simply be the same parking example already offered. A loss of thousands of dollars that started with an advertisement of three bedrooms at a property that is best described as having three bedrooms and involves ordinance wording that is not explicit. And again, there is no guarantee that a conditional permit will be re-approved for a property that took 17 years to lose its permit starting with this overreaching interpretation of the STR ordinance.

For reference, I confirmed through email with Town Administrator Julie Hoyt on July 25 that any and all subsequent violations of any part of the STR ordinance connect in perpetuity. Julie wrote, "Any combination of three would subject an owner to revocation of the CUP." Forever!

If the ZBA finds itself weighing the Select Board's implicit interpretation of bedroom advertising against a soundly reasoned appeal of the Select Board's interpretation of section 4.4.3.6 (b)(v), I implore the ZBA to consider how far reaching this first violation can be for a part-time rental property that is otherwise utilized by a volunteer ski patroller in Jackson. Punishing a Jackson taxpayer in perpetuity should require more than the Select Board's not-so-exact interpretation of ordinance wording.

Prepared by Ed Harvey, owner/operator 7 Balsam Dr

**From:** Ed Harvey [edmundharvey@yahoo.com](mailto:edmundharvey@yahoo.com)   
**Subject:** Re: HARVEY - Jackson Select Board Administrative Decision Appeal  
**Date:** August 17, 2024 at 10:47 AM  
**To:** Frank Benesh [frank\\_benesh@alum.mit.edu](mailto:frank_benesh@alum.mit.edu), Julie Hoyt [townadmin@jackson-nh.org](mailto:townadmin@jackson-nh.org)





Attached are correspondences with the Town Administrator regarding the town's claim of a bedroom advertising violation. The second attachment covers how long STR violations last and attached.

On Saturday, August 17, 2024 at 10:42:46 AM EDT, Ed Harvey <[edmundharvey@yahoo.com](mailto:edmundharvey@yahoo.com)> wrote:

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Ed Harvey  
781-789-1032

<p><b>Yahoo Mail - Re_ 7 Balsam Drive - STR - bedroom...</b></p> 	<p><b>Yahoo Mail - RE_ Bedroom advertisement decision -...</b></p> 
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## Re: 7 Balsam Drive - STR

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From: Ed Harvey (edmundharvey@yahoo.com)

To: townadmin@jackson-nh.org

Date: Tuesday, July 16, 2024 at 06:18 PM EDT

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Julie, I am sorry but that just is not true. It has been a false narrative from the start that the courts have rejected multiple times. Residential use is residential use, be it a day or a year. Nothing on Jackson's books prohibited STRs prior to 2020. In 2019 and 2020, the town falsely categorized STR activity as commercial, it isn't. Income does not equal commercial. LTRs are not non-profit endeavors. Commercial involves an activity not otherwise intended at the dwelling like running a bakery out of a residential kitchen if said bakery has customers visit and purchase from the site. Someone renting my bedroom when I am not using it does not change the use. Use is the key per the courts, multiple times.

The town passed the 2020 ordinance to control STRs (limited number of renters, etc), not to legalize the general concept.

Ed

On Tuesday, July 16, 2024 at 05:08:31 PM EDT, Julie Hoyt <townadmin@jackson-nh.org> wrote:

I will let them know you are requesting discussion in the public meeting.

Please note it was not the state that required us to have an STR ordinance. The planning board proposed the STR Ordinance in 2020 because STR's were not allowed in the rural residential area according to our zoning ordinance. The ordinance was put in place to allow Short Term Rentals in the rural residential area. Without the ordinance, STR's were illegal in rural residential areas according to the town zoning ordinance.

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**From:** Ed Harvey <edmundharvey@yahoo.com>

**Sent:** Tuesday, July 16, 2024 4:43 PM

**To:** Julie Hoyt <townadmin@jackson-nh.org>

**Subject:** Re: 7 Balsam Drive - STR

I appreciate the potential invite to call into the non-public session, but honestly I think the discussion should be public. The town should not be able to run into non-public session when it might be wrong on some particular matter. The board has been happy to pontificate on its beliefs and allowed Kevin Bennett to riff about furniture police nonsense when he sees a bed in a room not even advertised as a bedroom, but as soon as someone's response catches them in some inconsistencies, they run off to the non-public session sanctuary not offered to matters involving minors and physical threats from neighboring full-time residents.

The state did not require Jackson to take STRs on. The state does not require Jackson to over police its own ordinance. I don't accept the town's claims to be struggling with 135 STRs. This is the same town that said the original ordinance was necessary because there may be up to 200 STRs. That estimate was silly and imagine the struggle if it were remotely real. The plan from the jump was short sighted and punitive. The town chose this headache at the expense of

select taxpayers that deserve the same public hearings when they are right as are forced upon them when the board wants to lecture an STR operator about the sanctity of Jackson.

Please pass my concerns on to the select board. Thank you.

Ed

On Tuesday, July 16, 2024 at 04:28:18 PM EDT, Julie Hoyt <townadmin@jackson-nh.org> wrote:

Hi Ed,

They are meeting in a non-public just for this matter and to meet with the town attorney on your responses. I think you have made some very valid points about the language of the ordinance and that will be discussed. And I'm very sorry you have lost trust in the board and feel the town is singling you out. I know it is not our intention at all.

Honestly, I can tell you it has not been easy managing 135 STR's in Jackson and you are not the only one who has had to change their advertisement based on bedrooms (per the town approve building permits/septic designs). We recently had a new owner buy a 5 bedroom house (on the tax card) and the property has a 3 bedroom septic plan and building permit. They had to remove 2 bedrooms from their advertisement and rent as a 3 bedrooms, sleeps 8. I would say about half of our CUP's have had to make amendments to their advertisements and many of the older condos have had to put in new egress windows.

If you like, I can ask the Chairperson if they could call you in during the non-public session so you have an opportunity to speak. Please let me know.

Thanks,

Julie

*Julie Hoyt*

*Town Administrator*

[www.jackson-nh.org](http://www.jackson-nh.org)

Jackson Selectmen's Office

PO Box 268 / 54 Main St.

Jackson NH 03846

Phone: 603-383-4223 x 101 / Fax: 603-383-6980

Office Hours: M-TH 9:00 AM to 3:00 PM.

FRI 9:00 AM to 12:00 PM

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**From:** Ed Harvey <edmundharvey@yahoo.com>  
**Sent:** Tuesday, July 16, 2024 2:51 PM  
**To:** Julie Hoyt <townadmin@jackson-nh.org>  
**Subject:** Re: 7 Balsam Drive - STR

Hi Julie,

Do you mind me asking why STR matters or maybe just this STR matter is suddenly being handled in non-public session? Last year, the board saw it necessary to have a conversation about my property publicly on short notice without my presence that resulted in jokes about my wife and I being bad parents accused of housing our children in a loft without egress in addition to allowing audience jokes shared between a town employee and the planning board chair as to why we coincidentally took down our advertisement days before being falsely accused for not having a window. Two months later, in another public session, the board rescinded the egress complaint with ZERO comment knowing that I could not attend as I was managing my wife's cancer recovery. Per that meeting, the viewing audience would not know why the town rescinded (false accusation and incomplete research). The public record favors the town at its convenience so far as I can tell. I am prepared to be at the meeting on the 23rd to discuss my property's grandfathered pre-existing use, the board's inaccurate interpretation of the STR advertising limitations, and to get a public record of why the town dropped its window complaint against me.

I asked for non-public session in a matter involving something as serious and sensitive as a minor (14 years old) and was rejected. Said rejection has since resulted in my wife being accosted by a neighbor resulting in a disorderly conduct citation against said neighbor. Why is non-public session suddenly okay when the bedroom interpretation calls out the town and likely gets into the embarrassing window debacle? Fair is fair, is it not? If the town finds against me in non-public session in this bedroom matter, I will have no public record to appeal against. No select board discussion to counter. Considering how one-sided so-called transparency has been against me with any complaint ever published, even falsely on multiple occasions, I do not trust the board to properly administrate this matter off the record.

Thank you for passing these questions and concerns on to the select board.

Ed Harvey

781-789-1032

On Tuesday, July 16, 2024 at 11:31:09 AM EDT, Julie Hoyt <[townadmin@jackson-nh.org](mailto:townadmin@jackson-nh.org)> wrote:

Hi Ed,

I've confirmed the Select Board will discuss this at their next meeting on July 23<sup>rd</sup>. It will be a non-public session.

Either myself or Barbara Campbell will be in touch with you after the 23<sup>rd</sup>.

Thank you for your patience.

Julie

*Julie Hoyt*

*Town Administrator*

[www.jackson-nh.org](http://www.jackson-nh.org)

Jackson Selectmen's Office

PO Box 268 / 54 Main St.

Jackson NH 03846

Phone: 603-383-4223 x 101 / Fax: 603-383-6980

Office Hours: M-TH 9:00 AM to 3:00 PM.

FRI 9:00 AM to 12:00 PM

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**From:** Ed Harvey <[edmundharvey@yahoo.com](mailto:edmundharvey@yahoo.com)>  
**Sent:** Friday, July 12, 2024 12:49 PM  
**To:** Julie Hoyt <[townadmin@jackson-nh.org](mailto:townadmin@jackson-nh.org)>  
**Subject:** Re: 7 Balsam Drive - STR

Thank you. I appreciate the update. Have a good weekend.

Ed

On Friday, July 12, 2024 at 12:38:46 PM EDT, Julie Hoyt <[townadmin@jackson-nh.org](mailto:townadmin@jackson-nh.org)> wrote:

Hi Ed,

I just wanted you to let you know that I am still waiting to hear from the selectmen on your response. My guess is they will want to discuss this at the next board meeting on July 23<sup>rd</sup>. I should have a confirmation for you next week.

Thanks,

Julie

*Julie Hoyt*

*Town Administrator*

[www.jackson-nh.org](http://www.jackson-nh.org)

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**From:** Ed Harvey <[edmundharvey@yahoo.com](mailto:edmundharvey@yahoo.com)>  
**Sent:** Monday, July 8, 2024 9:16 AM  
**To:** Julie Hoyt <[townadmin@jackson-nh.org](mailto:townadmin@jackson-nh.org)>  
**Subject:** Re: 7 Balsam Drive - STR

Hi Julie,

I forgot to request acknowledgement of receipt of my email this morning. Wanting to ensure that I satisfy the 14 day response requirement, can you please confirm that the email did not get lost in spam.

Thank you. -Ed

On Monday, July 8, 2024 at 08:53:40 AM EDT, Ed Harvey <[edmundharvey@yahoo.com](mailto:edmundharvey@yahoo.com)> wrote:

First, I am still waiting for a direct response from the town to my May 23 email (see below) stating that my rental operation predates the passing of Jackson's 2020 Short Term Rental ordinance and therefore qualifies as a pre-existing use not subject to the ordinance. The town's acknowledgement that my rental is not limited to the subsequently passed 30 rental limit restriction follows the same pre-existing use logic. The town has simply chosen to selectively ignore the concept of pre-existing use prior to its initial 2020 Short Term Rental ordinance. Please explain this inconsistency.

In response to the town's letter dated June 25, I respectfully disagree with the Select Board's interpretation of Section 4.4.3.6 (b)(v). The town claims the cited section limits the number of bedrooms allowed to be advertised. The text of the section only limits the total number of occupants a Short Term Rental can advertise for, which the town acknowledges our advertisement meets (6 allowed, 6 advertised). The word "bedroom" is used once in the section as a function of math to arrive at the total occupants allowed. The bedroom reference states, "two people for each bedroom listed on the town issued permits". Would the Select Board also claim the advertisement of my dwelling requires a copy of said town permits since they are also mentioned in the section? Of course not. Context matters. In this case, the context of bedrooms is for calculating purposes.

I would also argue that the town is being too simplistic in its viewing of advertisements. Our posting has always clearly delineated that our upfront 3 bedroom broad search description is specifically 2 bedrooms and a loft (see attachment from link you provided in your May 16 email). The loft occupies its own floor in the dwelling with two twin beds and has its own bathroom. Our "plus 2" occupants are not expected to futon in a living room or basement. We are transparent that the loft is a loft under the "Rooms & beds" section of our advertisement. I offer this explanation as an attempt to provide the Select Board a bit of an out for declaring our dwelling something of an exception. If we had an enclosed space with full egress more approximately described fully as a third bedroom, the conclusion that 4.4.3.6 (b)(v) does not limit the number of bedrooms advertised would stand.

As the court's recently ruled in Conway v. Kudrick, ""We decline to contemplate any policy considerations regarding the effect of [short-term rentals] on the community when our task is to interpret the plain language of the Town's ordinance." In other words, the courts are not interested in Jackson's wishes to have written Section 4.4.3.6 (b)(v) differently to specifically address number of bedrooms advertised instead of only specifically limiting the total number of occupants.

The town harassed my family for two months last year during a trying battle with cancer, claiming our dwelling did not have a window that was included in original construction in 2015. Construction and certificate of occupancy that was overseen by the very building inspector claiming the window did not exist in 2023. I implore the town to cease its harassment against my family. My wife was recently accosted on our street by a neighbor over claims that we disparaged him two years ago when I was dragged before the Select Board to discuss his intoxicated actions against renters of my property. Jackson Police cited the neighbor with disorderly conduct following the recent attack on my wife. The town's attempts to regulate Short Term Rentals has unintended, dangerous consequences. Take your duties seriously. I asked to have the meeting two years ago done in nonpublic session. My request was rejected. If not for my wife's quick action to retreat to our property when a neighbor repeatedly screamed "shut up you fucking bitch", the police may have been responding to a much more dire situation. The neighbor concluded this rant with "I hope your house burns down." Chief Perley is well aware of the situation and monitored our property closely for weeks following the incident. All of this was created by the Select Board's "make it up as they go along" procedures discriminatorily targeting Short Term Rentals.

My dwelling has egress on every floor (falsely accused). My advertisement does not exceed total number of occupants (incorrect ordinance interpretation). My son and I are local ski patrollers at Black Mt. We only rent four to five months per year June - Oct with June and Oct being relatively low volume. The Select Board has been wrong on multiple occasions attempting to wedge itself into our very limited rental operation for a mere six occupants which predates the passing of the town's 2020 ordinance. The courts will acknowledge my dwelling's pre-existing use. Please stop harassing us around the edges over silly or non-existent issues.

Ed Harvey

196 Packers Falls Rd

Durham, NH

781-789-1032

On Thursday, May 23, 2024 at 02:23:01 PM EDT, Ed Harvey <[edmundharvey@yahoo.com](mailto:edmundharvey@yahoo.com)> wrote:

Hi Julie,

This will respond to your May 16<sup>th</sup> email. Once again, the message you've been asked to convey is not accurate. Yes, we have begun renting our cabin again, but I don't see anywhere where I was supposed to notify anyone once I began doing so. It's bad enough that Kevin Bennett and Bill Terry laughed and joked on camera at last April's meeting that we had probably taken down our advertisement because of supposed building code violations (which turned out to be non-existent), when we stopped renting due to my wife had been diagnosed with breast cancer and needing to recover from major surgery. Their comments were disgusting and off-base, and I would expect something better from our public officials.

Your information about the number of bedrooms shown in our listing is also incorrect. First, our listing shows 3 bedrooms sleeping 6, but shows that the 3<sup>rd</sup> is actually the loft. In fact, our cabin has 2 bedrooms, as per the approved plans. The fact that we allow sleeping in the loft does not change that fact. When the cabin was built, Kevin Bennett knew of our plans for the loft, which is where our 2<sup>nd</sup> bathroom is placed, and he insisted that our stairs be ridiculously wide because of the sleeping arrangements. Frankly, we are not prohibited from allowing people to lay down sleeping bags or mattresses anywhere in the cabin, if we choose to do so. Every floor has a modern egress, as shown on our plans and clearly visible from the street. Nonetheless, we had to answer to the board when Kevin Bennett reported that a clearly visible window on the 2<sup>nd</sup> floor was somehow non-existent. A simple review of the plans on file with the town would have verified that fact and would have avoided the time and effort that we had to spend to have the violation notice rescinded.

Finally, please review our attorney's May 2, 2023 letter, which explains that our rental activity pre-dates the 2020 ordinance and is "grandfathered". Under recent decisions of the courts and the Housing Appeals Board, it is settled that we are not subject to the ordinance's special permitting requirements, or any other provisions of the ordinance that treat STRs differently than any other residential property. As you saw from our listing, we chose to limit the number of occupants to 6, but are doing so for our own personal reasons and not because of any legal mandate under the ordinance. If we choose to allow renters to exceed 6 in any particular situation, then we see no prohibition on doing so. Please stop harassing us so that we, our friends and family, and those renting our cabin, can have a peaceful summer.

Julie, I know that you are the messenger in this matter and please know that my comments are not directed at you. However, I would like to finally clear up any doubt and hope that the town will stop claiming violations where there simply are none.

Thank you,

Ed Harvey

196 Packers Falls Rd

Durham, NH

781-789-1032

On Thursday, May 16, 2024 at 01:29:16 PM EDT, Julie Hoyt <[townadmin@jackson-nh.org](mailto:townadmin@jackson-nh.org)> wrote:

Ed,

It has come to the town's attention that you have started to rent your property again. This is a reminder that you asked the town to make note you would not be renting your property until further notice. Please confirm that you are renting again so we can update our records.

[https://www.vrbo.com/1307644?noDates=true&unitId=1859187&l10n=%5Bobject%20Object%5D&allowPreAppliedFilters=true&amenities=&chain=&daysInFuture=&origin=&destination=&group=&guestRating=&hotelName=&latLong=&lodging=&paymentType=&bedType=&cleaningAndSafetyPractices=&poi=&price=&regionId=&neighborhood=&roomIndex=&selected=&sort=RECOMMENDED&star=&stayLength=&theme=&travelerType=&useRewards=&userIntent=&bedroomFilter=&deals=&propertyStyle=&misId=&rewards=&pickUpTime=&dropOffTime=&commissionTiers=&agencyBusinessModels=&mealPlan=&cabinClass=&tripType=&airlineCode=&directFlights=&infantsInSeats=&driverAge=&partialStay=false&vacationRentalsOnly=false&mapBounds=&stayType=&expediaPropertyId=&house\\_rules\\_group=&highlightedPropertyId=&bed\\_type\\_group=&stay\\_options\\_group=&hotel\\_brand=&multi\\_neighborhood\\_group=&logger=%5Bobject%20Object%5D&endDate=6%2F29%2F2024&startDate=6%2F26%2F2024&petSIncluded=false&bedroom\\_count\\_gt=&us\\_bathroom\\_count\\_gt=&pricing\\_group=&rm1=a2&chkin=6%2F26%2F2024&chkout=6%2F29%2F2024](https://www.vrbo.com/1307644?noDates=true&unitId=1859187&l10n=%5Bobject%20Object%5D&allowPreAppliedFilters=true&amenities=&chain=&daysInFuture=&origin=&destination=&group=&guestRating=&hotelName=&latLong=&lodging=&paymentType=&bedType=&cleaningAndSafetyPractices=&poi=&price=&regionId=&neighborhood=&roomIndex=&selected=&sort=RECOMMENDED&star=&stayLength=&theme=&travelerType=&useRewards=&userIntent=&bedroomFilter=&deals=&propertyStyle=&misId=&rewards=&pickUpTime=&dropOffTime=&commissionTiers=&agencyBusinessModels=&mealPlan=&cabinClass=&tripType=&airlineCode=&directFlights=&infantsInSeats=&driverAge=&partialStay=false&vacationRentalsOnly=false&mapBounds=&stayType=&expediaPropertyId=&house_rules_group=&highlightedPropertyId=&bed_type_group=&stay_options_group=&hotel_brand=&multi_neighborhood_group=&logger=%5Bobject%20Object%5D&endDate=6%2F29%2F2024&startDate=6%2F26%2F2024&petSIncluded=false&bedroom_count_gt=&us_bathroom_count_gt=&pricing_group=&rm1=a2&chkin=6%2F26%2F2024&chkout=6%2F29%2F2024)

Also, please note your current advertisement is showing 4 bedrooms (and 3 bedrooms – see pictures attached). Your house is approved for 2 bedrooms (per your septic plan and building permit attached). You are only allowed to advertise 2 bedrooms/sleep 6 per section 4.4.3.6 (b)(v) of the Short Term Rental Ordinance attached. Please let me now once your advertisement has been updated.

Feel free to reach out to me if you have any questions.

Thank you,

Julie

## ***Julie Hoyt***

*Town Administrator*

[www.jackson-nh.org](http://www.jackson-nh.org)

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## RE: Bedroom advertisement decision

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From: Julie Hoyt (townadmin@jackson-nh.org)

To: edmundharvey@yahoo.com

Date: Thursday, July 25, 2024 at 12:03 PM EDT

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Ed,

I have confirmed that any subsequent violation would be the second or third violation. The language in the Ordinance is, "failure to comply with this Ordinance or with any conditions of approval imposed as part of the Conditional Use Permit." Any combination of three would subject an owner to revocation of the CUP.

### **4.4.6 Revocation of Conditional Use Permit; Fines and Penalties**

*4.4.6.1 Approvals may be revoked for failure to comply with this Ordinance or with any conditions of approval imposed as part of the Conditional Use Permit. The first violation of this Ordinance (or a Condition of Approval) may result in a warning; the second violation may result in a civil penalty of \$275; and the third violation will result in a revocation of the Conditional Use Permit. If a revocation occurs, the owner may not apply for reinstatement for a period of three months.*

Please also note, that a noise violation or fireworks violation is not subject to a STR violation. These are both violations of the Noise and Fireworks Ordinances which are fined by the Jackson Police Department. You can view these ordinances online here: <https://www.jackson-nh.org/home/pages/ordinances>

Per the Short Term Rental Ordinance, section 4.4.3.6 (b) (i-vi) explains the criteria in which the Select Board can issue violation notices:

### ***4.4.3.6 The application will be approved or denied by the Board of Selectmen using the following criteria (amended 3/8/2022):***

- a. The owner of a proposed Short Term Rental unit shall provide the name, address, and telephone number of a person within the state who is authorized to accept service of process for any legal proceeding brought against the owner of the property.*
- b. As part of the application process the owner of the Short Term Rental unit must sign an Affidavit which shall certify the following:*
  - i. Smoke/CO detectors are installed in areas defined by the NH State Fire Code and NH State Building Code and are functioning.*
  - ii. Windows and/or doors designated for emergency egress are maintained and in operational order.*
  - iii. No basement space shall be used as a sleeping area unless there are properly sized egress windows and/or doors conforming to the NH State Fire Code and NH State Building Code.*
  - iv. A functional fire extinguisher is visibly installed in any kitchen area.*
  - v. The maximum number of people that the dwelling unit can be advertised for in any published listing or other form of marketing, shall be two (2) people for each bedroom listed on the town issued building permit plus two (2) additional people.*

*vi. All vehicles shall be parked on the property and in designated parking areas.*

*c. The owner of a Short Term Rental unit shall provide proof of a current NH Rooms and Meals Tax license number.*

*d. Although a Conditional Use Permit runs with the land, if the property transfers ownership, within 60 days of the closing the new owner will be required to provide the Town with their contact information, new affidavit agreeing to the conditions of the permit and all applicable application fees (added 3/8/2022).*

I have contact Frank Benesh to let him know you will be inquiring about an appeal or variance. Frank will be able to determine what application you should fill out.

Please let me know if you have any other questions.

Thanks,  
Julie

***Julie Hoyt***  
*Town Administrator*  
[www.jackson-nh.org](http://www.jackson-nh.org)

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Jackson NH 03846  
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**From:** Ed Harvey <edmundharvey@yahoo.com>  
**Sent:** Wednesday, July 24, 2024 4:42 PM

**To:** Julie Hoyt <townadmin@jackson-nh.org>  
**Subject:** Re: Bedroom advertisement decision

Thank you. -Ed

On Wednesday, July 24, 2024 at 04:33:46 PM EDT, Julie Hoyt <[townadmin@jackson-nh.org](mailto:townadmin@jackson-nh.org)> wrote:

Hi Ed,

Thank you for updating your ad. I have forwarded your email to the board chair regarding your questions on the warnings/violations and will get back to you.

As for filing an appeal with the Zoning Board of Adjustment, please contact Frank Benesh (ZBA Chairman) at 603-383-8229: [Frank\\_Benesh@alum.mit.edu](mailto:Frank_Benesh@alum.mit.edu)

Frank will be able to advise you on which application you will file and any questions you may have.

**Appeals and Requests for Rehearing** - Appeals of Administrative Decisions and Requests for a Rehearing of a ZBA decision must be filed within 30 days of the decision being appealed. See **Appeal of Administrative Decision:** <https://www.jackson-nh.org/board-adjustment/pages/appeal-administrative-decision> for more information.

<https://www.jackson-nh.org/board-adjustment/pages/application-instructions-and-checklist>

I will be in touch.

Thanks,

Julie

*Julie Hoyt*

*Town Administrator*

[www.jackson-nh.org](http://www.jackson-nh.org)

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---

**From:** Ed Harvey <[edmundharvey@yahoo.com](mailto:edmundharvey@yahoo.com)>

**Sent:** Tuesday, July 23, 2024 9:13 PM

**To:** Julie Hoyt <[townadmin@jackson-nh.org](mailto:townadmin@jackson-nh.org)>

**Subject:** Bedroom advertisement decision

Hi Julie,

We have revised our advertisement to two bedrooms within the 24 hour allotted time period as required. That said, I intend to appeal the administrative decision with the ZBA. Can you please confirm that I have 30 days to appeal. If yes, is that 30 days to submit my full appeal or is it 30 days to declare my appeal with assumed prep time to follow before the actual meeting? Thank you for confirming.

Also, please confirm that the select decision today is the first violation against my property at 7 Balsam. With regard to second and third violations and the fines and loss of permit (stripping of property use rights) that come with those, can you please have the select board confirm if the 1, 2, 3 loss of permit sequence is for repeat offenses or any combination of all violations; meaning that if a future renter receives a noise violation and then another renter parks on the street for the afternoon at some other future date, do these unrelated incidences string together resulting in loss of permit? Do violations carry forward in perpetuity? Could I lose my rental permit in 12 years as a result of three unrelated violations starting with today's bedroom advertising decision?


Thank you.

Ed Harvey

196 Packers Falls Rd

Durham, NH 03824

781-789-1032

**From:** Ed Harvey [edmundharvey@yahoo.com](mailto:edmundharvey@yahoo.com)   
**Subject:** Re: HARVEY - Jackson Select Board Administrative Decision Appeal  
**Date:** August 17, 2024 at 10:49 AM  
**To:** Frank Benesh [frank\\_benesh@alum.mit.edu](mailto:frank_benesh@alum.mit.edu), Julie Hoyt [townadmin@jackson-nh.org](mailto:townadmin@jackson-nh.org)







Attached is our original STR Application, a copy of our approved application obtained from the town, and the related approving Select Board minutes.

On Saturday, August 17, 2024 at 10:42:46 AM EDT, Ed Harvey <[edmundharvey@yahoo.com](mailto:edmundharvey@yahoo.com)> wrote:

Print materials and fee to the town will be submitted in person to the town office on Monday, Aug 17. Thank you for your help organizing this submission. I am certain some pieces may be missing. Please let me know what else the ZBA needs after reviewing the submission. After careful consideration, I have decided to only submit an Administrative Decision Appeal. I am not applying for a variance. I disagree with the Select Board's decision as it relates to all STRs in Jackson. My property is not unique or special. The Select Board is simply overreaching in its interpretation. That is my appeal to the ZBA.

Thank you again for reviewing my submission. I will send electronic copies of the submission in pieces to avoid any file size overloads. Attached is my appeal application and related violations from the Select Board.

Ed Harvey  
781-789-1032

<b>Harvey STR - application - as submitted.pdf</b> 856 KB 	<b>Harvey - 7 Balsam STR approval (1).pdf</b> 
<b>STR application approved - 8.11.20_-_BOS minutes - no...</b> 	<b>STR application approved - 8.25.20_-_BOS minutes - BO...</b> 

Edmund & Heather Harvey  
7 Balsam Drive  
Jackson, NH  
June 9, 2020

Town of Jackson  
RE: Short Term Rental Conditional Use Permit Application

To Whom It May Concern:

We are submitting evidence to you for our short term rental that we advertise as being able to occupy 10 people. This is to include the possibility of two families that may have more than 2 children each. As owners, we frequently host additional families with room to spare.

The cabin, which was completed in 2016, has two rooms on the main level each with a queen size bed. The loft is the span of the cabin along the backside with a length of 24 feet, easily fitting the two twin beds and two twin cots as shown below. The loft is also spacious enough to afford a bathroom with standard sized shower. For safety sake, and because our own children normally reside in the loft, there is also a fire ladder kept in the loft. Per building standards during construction, the size of our cabin was expanded to fit extremely large stairs to the loft that can fit a gurney down their width, as can be seen also in the picture on the backside of this letter. The basement is a walkout, equipped with a door as well as an egress window, also picture on the back.

Our driveway fits 6 normal sized cars with ease and we do not allow for parties or off street parking in our rental. Items that were already included in our rental agreement before the permit application process was put into place.

Please take these items into consideration in review of our application and request that we be permitted to rent to a maximum of 10 people. We would be happy to address any questions that may arise. Thank you for your time.



Left Side of Loft with Bathroom on Left



Ride Side of Loft



Stairs to Loft with Ed, & our 10 & 16 year old children fitting across



Basement with Door and Egress Window

Sincerely,

Edmund & Heather Harvey

6/8/2020

Reservations as of June 8, 2020 7:58 PM

Reservations

Guest	Check-in	Check-out	Property	Guests	Contact Information
Vbo	05/02/2019	05/08/2019	Balsam Cabin, 7 Balsam Dr, Jackson, NH (VRBO - 1307644), 7 Balsam Dr, ...	0 adults 0 children	
Vbo	05/08/2019	05/15/2019	Balsam Cabin, 7 Balsam Dr, Jackson, NH (VRBO - 1307644), 7 Balsam Dr, ...	0 adults 0 children	
Vbo	05/15/2019	05/22/2019	Balsam Cabin, 7 Balsam Dr, Jackson, NH (VRBO - 1307644), 7 Balsam Dr, ...	0 adults 0 children	
CHH Hall	07/09/2019	07/09/2019	Balsam Cabin, 7 Balsam Dr, Jackson, NH (VRBO - 1307644), 7 Balsam Dr, ...	4 adults 3 children	+1 (215) 986-7402 chrsr@chh_hall@hotmail.com
Vbo	07/09/2019	07/09/2019	Balsam Cabin, 7 Balsam Dr, Jackson, NH (VRBO - 1307644), 7 Balsam Dr, ...	0 adults 0 children	
Andrew Stout	07/12/2019	07/19/2019	Balsam Cabin, 7 Balsam Dr, Jackson, NH (VRBO - 1307644), 7 Balsam Dr, ...	4 adults 0 children	+1 (603) 862-5773 andrewstout@aol.com
Vbo	07/19/2019	07/23/2019	Balsam Cabin, 7 Balsam Dr, Jackson, NH (VRBO - 1307644), 7 Balsam Dr, ...	0 adults 0 children	
Jacques Moth	07/26/2019	07/28/2019	Balsam Cabin, 7 Balsam Dr, Jackson, NH (VRBO - 1307644), 7 Balsam Dr, ...	2 adults 0 children	+1 (508) 776-2953 m104mille@ahooc.com
Vbo	07/28/2019	07/29/2019	Balsam Cabin, 7 Balsam Dr, Jackson, NH (VRBO - 1307644), 7 Balsam Dr, ...	0 adults 0 children	
Vbo	08/01/2019	08/02/2019	Balsam Cabin, 7 Balsam Dr, Jackson, NH (VRBO - 1307644), 7 Balsam Dr, ...	0 adults 0 children	

https://www.vrbo.com/rm/p-1f-reservations/321.1307644.1989187d4d2894019-83f4d6e300-d1c485d4dca8a8m-stay/Database-asecst-post\_slay/

1/3

6/8/2020

Reservations

Guest	Check-in	Check-out	Property	Guests	Contact Information
Katousha Biele	08/02/2019	08/04/2019	Balsam Cabin, 7 Balsam Dr, Jackson, NH (VRBO - 1307644), 7 Balsam Dr, ...	4 adults 0 children	+1 (314) 501-0757 katoushabelle@gmail.com
Vbo	08/04/2019	08/07/2019	Balsam Cabin, 7 Balsam Dr, Jackson, NH (VRBO - 1307644), 7 Balsam Dr, ...	0 adults 0 children	
Matt Gagne	08/07/2019	08/12/2019	Balsam Cabin, 7 Balsam Dr, Jackson, NH (VRBO - 1307644), 7 Balsam Dr, ...	2 adults 2 children	+15084142969 mattgagne@charter.net
Vbo	08/12/2019	08/13/2019	Balsam Cabin, 7 Balsam Dr, Jackson, NH (VRBO - 1307644), 7 Balsam Dr, ...	0 adults 0 children	
Vbo	08/13/2019	08/14/2019	Balsam Cabin, 7 Balsam Dr, Jackson, NH (VRBO - 1307644), 7 Balsam Dr, ...	0 adults 0 children	
Vbo	08/14/2019	08/15/2019	Balsam Cabin, 7 Balsam Dr, Jackson, NH (VRBO - 1307644), 7 Balsam Dr, ...	0 adults 0 children	
Brad Nelson	08/15/2019	08/18/2019	Balsam Cabin, 7 Balsam Dr, Jackson, NH (VRBO - 1307644), 7 Balsam Dr, ...	2 adults 2 children	+1 (603) 484-3723 arnobn@comcast.net
Vbo	08/18/2019	08/21/2019	Balsam Cabin, 7 Balsam Dr, Jackson, NH (VRBO - 1307644), 7 Balsam Dr, ...	0 adults 0 children	
Jeff scotfield	08/21/2019	08/28/2019	Balsam Cabin, 7 Balsam Dr, Jackson, NH (VRBO - 1307644), 7 Balsam Dr, ...	2 adults 0 children	+1 (203) 858-5356 jeffscotfield@bcgolbal.net
Vbo	08/28/2019	08/29/2019	Balsam Cabin, 7 Balsam Dr, Jackson, NH (VRBO - 1307644), 7 Balsam Dr, ...	0 adults 0 children	
Vbo	08/29/2019	08/31/2019	Balsam Cabin, 7 Balsam Dr, Jackson, NH (VRBO - 1307644), 7 Balsam Dr, ...	1 adult 0 children	

https://www.vrbo.com/rm/p-1f-reservations/321.1307644.1989187d4d2894019-83f4d6e300-d1c485d4dca8a8m-stay/Database-asecst-post\_slay/

2/3

Harvey : 7 Balsam Drive : Proof of Short Term Rental Prior to March 12, 2020 #4





# TOWN OF JACKSON

OFFICE OF THE SELECTMEN

## SHORT TERM RENTAL CONDITIONAL USE PERMIT APPLICATION

TOWN OF JACKSON

PO Box 268

Jackson, NH 03846

Julie Atwell / [townadmin@jackson-nh.org](mailto:townadmin@jackson-nh.org)

Phone: 603-383-4223 x 101 Fax: 603-383-6980

**NOTICE:** Using a dwelling unit for Short Term Rentals without a valid Conditional Use Permit will subject the property owner to fines and penalties outlined in RSA 676:17.

DATE OF APPLICATION: 6/2/20 PERMIT NUMBER ISSUED (OFFICE USE ONLY): \_\_\_\_\_

\$50 APPLICATION FEE PAID: YES  NO \_\_\_\_\_ (OFFICE USE ONLY) CK# 1130

PLEASE MAKE CHECK PAYABLE TO THE: TOWN OF JACKSON

CURRENT NH MEALS & ROOMS TAX LICENSE #: 100476

PROOF OF CURRENT NH MEALS & ROOMS TAX LICENSE #: YES \_\_\_\_\_ NO \_\_\_\_\_ (OFFICE USE ONLY)

PROPERTY LOCATION: Village District \_\_\_\_\_ Rural Residential District  / FOR RURAL RESIDENTIAL DISTRICT APPLICATIONS ONLY: PROOF OF SHORT TERM RENTAL USE PRIOR TO MARCH 12, 2020 (PROOF SHALL BE IN THE FORM OF A DATED SHORT TERM RENTAL ADVERTISEMENT, SHORT TERM RENTAL MANAGEMENT CONTRACT, SHORT TERM RENTAL CONFIRMATION/RECEIPT, OR A DATED NH DEPARTMENT OF REVENUE DOCUMENT CONTAINING THE PROPERTY'S MEALS & ROOMS LICENSE #): YES \_\_\_\_\_ NO \_\_\_\_\_ (OFFICE USE ONLY)

PROPERTY OWNER: MAP: V10 LOT # 109 SUB LOT# 0

Name(s): Edmund + Heather Harvey

Property Address: 7 Balsam Drive

Mailing Address: 196 Packers Falls Rd. Durham, NH 03824

Email Address: heatheramon@yahoo.com

Phone Number: 781-710-4556

PLEASE IDENTIFY A PERSON WITHIN THE STATE OF NEW HAMPSHIRE THAT THE PROPERTY OWNER AUTHORIZES TO ACCEPT SERVICE OF PROCESS FOR ANY LEGAL PROCEEDING THAT MAY BE BROUGHT AGAINST THE OWNER OF THE PROPERTY:

Name(s): N/A

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Email Address: \_\_\_\_\_



SHORT TERM RENTAL CONDITIONAL PERMIT APPLICATION

NAME OF APPLICANT

ADDRESS

CITY AND STATE

PHONE NUMBER

DATE OF APPLICATION

PROPERTY ADDRESS AND PARCEL NUMBER (SEE MAP ATTACHED TO THIS APPLICATION)

DATE OF APPLICATION

PROPERTY ADDRESS AND PARCEL NUMBER (SEE MAP ATTACHED TO THIS APPLICATION)

DATE OF APPLICATION

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DATE OF APPLICATION

PROPERTY ADDRESS AND PARCEL NUMBER (SEE MAP ATTACHED TO THIS APPLICATION)

DATE OF APPLICATION

I HEREBY CERTIFY THAT THE INFORMATION PROVIDED IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

DATE OF APPLICATION

PROPERTY ADDRESS AND PARCEL NUMBER (SEE MAP ATTACHED TO THIS APPLICATION)

DATE OF APPLICATION

PROPERTY ADDRESS AND PARCEL NUMBER (SEE MAP ATTACHED TO THIS APPLICATION)


**AFFIDAVIT OF PROPERTY OWNER IN SUPPORT OF SHORT TERM RENTAL CONDITIONAL USE PERMIT APPLICATION**

I, Heather Harvey (legal name of property owner), having been duly sworn, depose and state as follows:

- I am the owner of the property located at 7 Balsam Drive, Jackson, NH (physical address of property) (hereinafter referred to as the "STR Property"), and I am applying for a Short Term Rental Conditional Use Permit for this STR Property.
- I (have) have not (circle only one) used the STR Property as a Short Term Rental prior to March 12, 2020.
- Smoke detectors and Carbon Monoxide (CO) detectors are installed at the STR Property in any and all areas defined by the NH State Fire Code and NH State Building Code.
- I have read NH Dept. of Safety Informational Bulletin 2020-05 (Smoke Alarm Device Requirements in Dwellings) and Informational Bulletin 2020-06 (Carbon Monoxide Detection Devices in Single Family Dwellings), and all smoke detectors and Carbon Monoxide (CO) detectors installed at the STR Property are installed, maintained, and functioning consistent with these Informational Bulletins.
- I have read NH Dept. of Safety Informational Bulletin 2020-03 (Secondary Means of Escape - Egress Windows & Doors), and all windows and/or doors designated for emergency egress at the STR Property are maintained and in operational order consistent with this Informational Bulletin.
- No basement space of the STR Property shall be used as a sleeping area unless there are properly sized egress windows and/or doors conforming to the NH State Fire Code and NH State Building Code.
- A functional fire extinguisher is visibly installed in any and all kitchen area(s) of the STR Property.
- The maximum number of people that the STR Property will be advertised for in any published listing or other form of marketing shall be two (2) people for each bedroom listed on the town issued building permit (or, in the absence of a building permit, listed on the tax card) plus two (2) additional people. ①
- All vehicles shall be parked at the STR Property and in designated parking areas.
- I have provided proof of a current NH Meals and Rooms Tax license number for the STR Property.

AND FURTHER, the Affiant sayeth not.

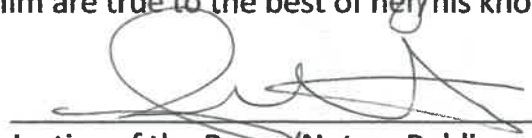
Dated: 6/2/20

 (signature)  
Heather Harvey (printed name)

STATE OF New Hampshire  
 COUNTY OF Stratford

Personally appeared the above-named Heather Harvey who made oath that the foregoing statements made by her/him are true to the best of her/his knowledge, information, and belief.

Dated: 6/2/2020

  
 Justice of the Peace/Notary Public L. PITT, Notary Public  
 My Commission Expires: 3/23/21 Justice of the Peace  
 My Commission Expires March 23, 2021

① The loft of the property is 24' long and has 4 twin beds. The property has been advertised to sleep 10 because of this room. ##



**PLEASE READ AND SIGN BELOW**

I/We understand and accept that a Short Term Rental Conditional Use Permit granted by the Town of Jackson, based upon this application, does not relieve me/us from having to comply with any Local Ordinances, State or Federal Laws.

I/We understand and accept that I/we, as the property owner(s), are responsible for trash removal, ensuring that all parking of vehicles is on site, occupancy limits are not exceeded, and any site-specific conditions imposed are satisfied.

I/We understand that my/our permit may be revoked for failure to comply with the Short Term Rental Ordinance or any conditions of approval. I understand that a first violation may result in a warning, a second violation may result in a civil penalty of \$275.00, and a third violation will result in a revocation of my/our Conditional Use Permit.

I/We understand that if my/our Conditional Use Permit is revoked, I/we may not apply for reinstatement for a period of three (3) months.

I/We understand that any nuisances or any other dangers to the public health reported by any lodgers/short-term renters or abutters may require an inspection pursuant to NH RSA 147:3.

I/We understand and accept that Rural Residential District Short Term Rentals are limited to 30 rentals per dwelling unit annually unless the unit or another unit on the same property is occupied by at least one full time resident<sup>1</sup>.

I/We hereby certify that the information provided in this Short Term Rental Conditional Use Permit Application is true and that I/we have read and understand the Town of Jackson Zoning Ordinance as it applies to the use of my/our property as a Short Term Rental.

Owner(s) Signature:  Date: 6/2/20

Owner(s) Signature:  Date: 6/2/20

Owner(s) Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Approved by:**

Board of Selectmen Approval: \_\_\_\_\_ Date of Approval: \_\_\_\_\_

<sup>1</sup> Subject to proof of prior existence, Short Term Rentals in existence in the Rural Residential District at the time of the adoption of this ordinance at the March 12, 2020 Annual Town Meeting shall be exempt from the restriction on the number of annual rentals.

Harvey Appeal Page 38

The first part of the appeal concerns the... [faint text]

The second part of the appeal concerns the... [faint text]

The third part of the appeal concerns the... [faint text]

The fourth part of the appeal concerns the... [faint text]

The fifth part of the appeal concerns the... [faint text]

The sixth part of the appeal concerns the... [faint text]

The seventh part of the appeal concerns the... [faint text]

The eighth part of the appeal concerns the... [faint text]

The ninth part of the appeal concerns the... [faint text]

The tenth part of the appeal concerns the... [faint text]

The eleventh part of the appeal concerns the... [faint text]

The twelfth part of the appeal concerns the... [faint text]

The thirteenth part of the appeal concerns the... [faint text]







Lindsey M. Stepp  
Commissioner

# State of New Hampshire Department of Revenue Administration

109 Pleasant Street  
PO Box 3718  
Concord, NH 03302-3718  
(603) 230-5000  
[www.revenue.nh.gov](http://www.revenue.nh.gov)



Carolynn J. Lear  
Assistant Commissioner



EDMUND & HEATHER HARVEY  
196 PACKERS FALLS RD  
DURHAM NH 03824-4401

Date: May 6, 2020  
Letter ID: L0000064318  
M&R License: 100476  
Account Type: Meals and Rentals Tax

## Meals and Rentals Tax Operator's License

# EXPIRES 2021

## LICENSE NO. 100476

EDMUND & HEATHER HARVEY  
HEATHER HARVEY  
7 BALSAM DR  
JACKSON, NH 03846-4418

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
				X	X	X	X	X	X		

### NOTICE

**This license must be posted in a conspicuous place and is NON-TRANSFERABLE.**  
**Advertisements for short-term rentals must include the license number of the operator in the body of the ad.**  
**THE CLOSING OF THE BUSINESS VOIDS THIS LICENSE.**

As agents for the State, operators are required by law to collect and remit all Meals and Rentals Taxes due to the State on a monthly basis. Failure to file accurate returns and remit taxes to the Department will result in civil penalties and may be prosecuted as a Class B Felony.

Misappropriation of collected Meals and Rentals Tax money is a Class A Felony, punishable by 7-1/2 to 15 years in prison, in addition to other applicable criminal and civil penalties. This license issued by authority of RSA 78-A:4 and will expire on June 30, 2021.


### OPERATOR'S LICENSE

Lindsey M. Stepp  
Commissioner

TDD Access: Relay NH 1-800-735-2964

*Individuals who need auxiliary aids for effective communication in programs and services of the Department of Revenue Administration are invited to make their needs and preferences known to the Department.*



OWNER INFORMATION		PICTURE
<p><b>HARVEY, EDMUND PATRICK, III</b>                      HARVEY, HEATHER MARIE AMON                      196 PACKERS FALLS RD</p> <p>DURHAM NH 03824</p>		
PARCEL DESCRIPTION		
<p>Acreage: 0.380 1.50 STORY FRAME LOG HOUSE</p> <p>Zone: RURAL RESIDENTIAL Year Built: 2016</p> <p>Neighborhood: AVG +30 Bed/Bathrooms: 3 / 2.0</p> <p>Land Use: 1F RES Effective Area: 1,212</p>		
PROJECTS		
<p><b>Type: NEW SINGLE FAMILY HOME</b></p> <p>Project Date: 10/20/15 Application Submitted: 09/24/15</p> <p>Owner Phone: 292-5917 /</p> <p>Description: BUILD 2ND HOME - 33' 2 1/2" X 25' - 2 BEDROOM, 1.5 BATH</p>		<p><b>Name: SECOND HOME</b> <b>Status: CLOSED</b></p> <p>Public Hearing: Completed Date: 09/26/16</p> <p>Impact Fee: Project Number:</p>
<p><b>Permit Type: BUILDING PERMIT</b> Number: 2015000057 Status:</p> <p>Appr. Date: 10/15/15 Expr. Date: Estimated Cost: \$136,638 Fee: \$639.87</p> <p>Applicant: HARVEY, EDMUND PATRICK, III Phone: 292-5917 /</p> <p>Contractor: RICHARD LEVITT Phone: 387-4556 /</p> <p>Contractor Company: License:</p> <p><b>Permit Permission: BUILD 2ND HOME - 33' 2 1/2" X 25' - 2 BEDROOM, 1.5 BATH</b></p> <p>Notes: ALL WORK MUST COMPLY WITH STATE OF NEW HAMPSHIRE BUILDING CODE AND THE TOWN OF JACKSON ZONING ORDINANCE</p>		
<p>Project Totals: Permits: 1 Inspections: 0 Impact Fee: Fees: \$639.87</p>		





**OWNER INFORMATION**

HARVEY, EDMUND PATRICK, III  
 HARVEY, HEATHER MARIE AMON  
 196 PACKERS FALLS RD  
 DURHAM, NH 03824

**SALES HISTORY**

Date	Book	Page	Type	Price	Grantor
05/29/2015	3202	0550	QV	38,000	HERR, DAVID
09/06/2013	3105	0154	QV	25,000	BARNES, MARK D.
10/09/2009	2821	0894	UV 21	125,000	SANTORO, ROBERT J. JR
11/14/2005	2478	0317	UV 21	175,000	WEINRAUB, ERIC E. BERMA
06/30/2005	2431	0513	UV 38	60,000	WEINRAUB, BARBARA & RO


**LISTING HISTORY**

08/20/19	JCPM	NO CHG
05/09/18	JCPM	NO CHG
05/03/17	JCPM	
05/18/16	JCPL	
06/18/15	JCPL	
08/20/14	JCVL	
05/19/10	JCPL	
10/02/09	JCPL	

**NOTES**

10 REVIEW-FOUND PINS, WOODED, VACANT-FOR SALE 69,900 11/09, \$53,900  
 10/10 14-LOT CLEARED SUMMER; 15-CLEARED/LEVELLED, RESOLD  
 BP 15-BUILD 2ND HOME - 33' 2 1/2" X 25' - 2 BEDROOM, 1.5 BATH EC136M;  
 16-SITE DEVEL, NEW LOG HOUSE UNDER CONST, COVENTRY LOG,  
 INC-FLRS,DRS,HEAT,KITCHEN,BSMT FIN+ 17-ADJ FOR SUBSTANTIAL  
 COMPLETION UPPER, EST BSMT FINISH STILL INC

**MUNICIPAL SOFTWARE BY AVITAR**

 **Town of Jackson**

**PARCEL TOTAL TAXABLE VALUE**

Year	Building	Features	Land
2018	\$ 143,900	\$ 1,500	\$ 71,400
Parcel Total: \$ 216,800			
2019	\$ 169,600	\$ 1,500	\$ 91,300
Parcel Total: \$ 262,400			
<b>2020</b>	<b>\$ 169,600</b>	<b>\$ 1,500</b>	<b>\$ 91,300</b>
<b>Parcel Total: \$ 262,400</b>			

**EXTRA FEATURES VALUATION**

Feature Type	Units	Length x Width	Size Adj	Rate	Cond	Market Value	Notes
FIREPLACE 1-1 STAND	1		100	3,000.00	50	1,500	1,500 GAS UNIT
						<b>1,500</b>	

**LAND VALUATION**

**Zone:** RURAL RESIDENTIAL **Minimum Acreage:** 1.00 **Minimum Frontage:** 200

Land Type	Units	Base Rate	NC	Adj	Site	Road	DWay	Topography	Cond	Ad Valorem	SPI	R	Tax Value	Notes
1F RES	0.380 ac	70,200	H	130	100	100	100	100	100	91,300	0	N	91,300	
	<b>0.380 ac</b>									<b>91,300</b>			<b>91,300</b>	

**Site:** AVERAGE Driveway: GRAVEL/DIRT Road: PAVED

**LAST REVALUATION: 2019**

TAXABLE DISTRICTS			
District	Percentage		
PERMITS			
Date	Permit ID	Permit Type	Notes
10/15/15	2015000057	NEW SINGLE FAMILY	ALL WORK MUST COMPLY



**OWNER**  
**HARVEY, EDMUND PATRICK, III**  
 HARVEY, HEATHER MARIE AMON  
 196 PACKERS FALLS RD  
 DURHAM, NH 03824

**BUILDING DETAILS**  
 Model: 1.50 STORY FRAME LOG HOUSE  
 Roof: GABLE HIP/METAL STANDING SEAM  
 Ext: LOGS  
 Int: CUSTOM WOOD  
 Floor: PINE/SOFT WD  
 Heat: GAS/FA NO DUCTS  
 Bedrooms: 3 Baths: 2.0 Fixtures:  
 Extra Kitchens: Fireplaces:  
 A/C: No Generators:  
 Quality: A3 AVG+30  
 Com. Wall:  
 Size Adj: 1.1566 Base Rate: RSA 96.00  
 Bldg. Rate: 1.5183  
 Sq. Foot Cost: \$ 145.76

BUILDING SUB AREA DETAILS			
ID	Description	Area	Adj. Effect.
HSF	1/2 STRY FIN	350	0.50 175
FFF	FST FLR FIN	675	1.00 675
RBF	RAISED BSMNT	350	0.60 210
CTH	CATHEDRAL	325	0.10 33
RBU	RAISED BSMNT	325	0.25 81
OPF	OPEN PORCH FIN	150	0.25 38
		<b>2,175</b>	<b>1,212</b>

2019 BASE YEAR BUILDING VALUATION	
Market Cost New:	\$ 176,661
Year Built:	2016
Condition For Age:	EXCELLENT
Physical:	2 %
Functional:	
Economic:	
Temporary:	INC BFIN
Total Depreciation:	2 %
	4 %
Building Value:	\$ 169,600

John Allen\_\_\_\_\_

Barbara Campbell\_\_\_\_\_

Dick Bennett\_\_\_\_\_

**Board of Selectmen Meeting  
August 11th, 2020  
UNOFFICIAL UNTIL APPROVED**

**Present:** Dick Bennett , Chairman; Barbara Campbell, Selectman, John Allen, Selectman

**Attendees:** Julie Atwell, Hank Benesh, Kevin Bennett, Karen Carpenter, Joanne Driscoll, Donna Dunn, Beth Funicella, Christian Klein, Ellie Koeppel, Scott Kudrick, Sarah Lord, Quinn Nichols, Diane Pratte, Denise Sachse, Bob Santoro, Brian Serino, James Vittletau, Bill Terry, Lynn Saunders, Ed Harvey, Vicky Garland, Kevin Breen, and Katie Reardon.

Meeting via ZOOM conference call with audio recording

1. Meeting called to order at 4:00 P.M.
2. **Approval of Minutes:**
  - a. **Selectman Allen made a motion to approve the minutes from the July 28th Selectmen’s regular meeting, seconded by Chairman Bennett. Motion approved unanimously.**
  - b. **Selectman Allen made a motion to approve the minutes from the July 28th Selectmen’s non-public meeting, seconded by Chairman Bennett. Motion approved unanimously.**
3. **For Selectmen Discussion and/or Motions:**
  - a. Meeting Format - **Selectmen decided to attempt using the Zoom platform with video for future meetings and recordings.** Selectman Campbell also proposed to discuss with Julie Atwell about potentially holding public meetings using the Whitney Community Center for its abundance of space to respect social distancing practice.
  - b. DRA MS-535 & MS-60 - **Selectman Campbell made a motion to approve the forms, seconded by Selectman Allen. Motion approved unanimously.**
  - c. Short-Term Rental (STR) Letters of Warning/Violation - Selectmen reviewed formats proposed by Peter Malia for STR letters of warning and violation,

respectively. **Selectman Allen made a motion to approve both formats, seconded by Selectman Campbell. Motion approved unanimously.**

- d. Helfrich -- Vista Way (ROW) - A resident on Vista Way expressed interest in trading land with the Town of Jackson in order to remove their house from Vista Way's right-of-way. Chairman Bennett responded that the Town would need to maintain the 50 ft. right of way that it currently has, so the Town would need to gain land on the West side if it were to give up land on the East side.
- e. Yesterday's -- Monthly Parking Update - Sarah Lord joined the call, thanking the Board for helping to facilitate additional outdoor seating for Yesterday's. The arrangements have been successful to date.
- f. Ellis River Village Association Driveway Easement -- Jim Lewkowicz - There was no discussion on this issue during the meeting. It will be taken to the Planning Board for discussion.
- g. Resident Comments -- Short-Term Rentals
  - i. Diane Pratte - Diane suggested that accountability for violations of STR regulations be shared between owner and renter, discouraging disruptive/harmful conduct from renters and encouraging owner oversight of renter conduct. She suggested a "know before you go" standard to inform renters about the atmosphere of the town of Jackson and the expectations of rules to follow prior to renting. Lastly, she requested the Board take time to consider resident comments, both at the current meeting and in future meetings, before deciding to approve or deny an STR application.
  - ii. Bob Santoro - Bob spoke to a number of disturbances he has experienced on a regular basis with STR renters, including speeding motorists and use of fireworks, especially on weekends. He also claimed that STRs in Jackson are being highly advertised on services like AirBnB for their availability where STRs in other areas are currently closed to reservations due to COVID-19 concerns. He suggested forming a committee to address these issues and to formulate suggested addendums and modifications to existing regulations of STRs. Selectman Campbell commented that the Board recognizes there are many issues to sort out in regards to STR renters, in addition to visiting "day trippers" and some part-time residents.
  - iii. Scott Kudrick - As a STR owner, Scott recognized the impact that STRs and their renters are having on the town and understands a need to find balance between preserving the town's values and characters while also promoting tourism and the local economy through rental services. He insisted that maintaining an STR property promotes local

infrastructure, supporting home care and other trades. Selectman Campbell recognized Scott's comments and ideas regarding vetting and managing renters, suggesting that he submit them to the town through the Select office.

- iv. Donna Dunn - Donna's comments reflected Bob Santoro's earlier concerns about renters' misconduct. She claims that STRs are changing the way Jackson residents feel about the town for the worse. She suggested that the Board impose different or stricter regulations to discourage commercial efforts in the rural residential district. Selectman Campbell assured that the Board is considering forming a residential committee to address these issues and more surrounding STRs.
- v. Ken Carpenter - Ken's comments aligned with previous complaints about unruly and disrespectful STR renters. He made a number of suggestions to make owners more accountable for their renters and for the maintenance of their properties, including printing a copy of town ordinances and requiring renters to sign to show their acknowledgement and agreement, a stricter limit on the number of rentals per property per year, an annual safety inspection by the fire department, and an increase in fines for violations. He also suggested increasing the cost of registration to cover the costs of these changes.
- h. Resident Comments -- Parking at the Jackson Falls
  - i. Dick Clarified that the Wentworth does have parking spaces across from the Wentworth and the land that the Town was given an easement on was above that parking area.
  - ii. Ellie Koeppel - Ellie claimed that the availability of parking spaces across from the Wentworth hotel was being strained by visitors parking to frequent the Jackson Falls. She suggested that the Board consider instituting some form of regulation for Falls parking but, in the meantime, pleaded that the Board reopen parking spaces at the top of the Falls to ease constraints on available parking.
  - iii. Beth Funicella - In regards to Ellie's comments, Beth mentioned that Selectman Allen had mentioned at the previous meeting that the parking was being limited by the Department of Transportation and was not entirely in the hands of the Board. She also added that visitors to the Falls were creating hazards in road crossings and were disrespecting the environment, the residents, and each other. Chairman Bennett reiterated that any changes to enforcement of policies surrounding STRs or parking at the Jackson Falls would be a major expense and would be a big factor in making decisions.

- i. Emergency Management Director Update -- Emily Bensen - Emily gave updates on the storm damage caused by Hurricane Isaias and emergency responses to damages and power outages. She also mentioned that she and Karen Burton would be picking up personal protective equipment the next day for poll workers for the upcoming election.
- j. STR Applications for Approval
  - i. Klein, Erica C. -- Revocable Trust -- 10B Joshua Loop Road - Not approved; property did not meet egress requirements.
  - ii. Broms, David -- 92 Eagle Mountain Road - Approved.
  - iii. Doucette, Heath M. - Rev. Trust
    - 1. 44 NH Route 16 - Approved.
    - 2. 46 NH Route 16 - Approved.
    - 3. 173 Tin Mountain Road - Approved.
  - iv. Johnson, Heather Lyn -- 310 Moody Farm Road - Not approved; property did not meet egress requirements.
  - v. Harvey, Edmond -- 7 Balsam Drive - Approved.
  - vi. Reardon, Ian
    - 1. 28 Dundee Road - Approved.
    - 2. 28 Balsam Drive - Approved.
  - vii. Difruscio, Frank Jr. -- 114 Tin Mine Road - Not approved; property did not meet egress requirement.
  - viii. Lucas Lane LLC -- 18 Lucas Lane - Approved.
  - ix. Hayes -- 692 Dundee Road - Not approved, room and meals tax number not provided.
  - x. Reynolds -- 3 Whitney Hill Loop - Conditionally approved; contingent on providing room and meals tax number.

**4. Selectman Campbell made a motion to adjourn the meeting, seconded by Selectman Allen. Motion approved unanimously.**

Meeting adjourned at 5:30 P.M (est.).

Respectfully submitted by Will Reisig



# TOWN OF JACKSON

OFFICE OF THE SELECTMEN

## SHORT TERM RENTAL CONDITIONAL USE PERMIT APPLICATION

TOWN OF JACKSON

PO Box 268

Jackson, NH 03846

Julie Atwell / [townadmin@jackson-nh.org](mailto:townadmin@jackson-nh.org)

Phone: 603-383-4223 x 101 Fax: 603-383-6980

**APPROVED**  
8/11/2020

**NOTICE:** Using a dwelling unit for Short Term Rentals without a valid Conditional Use Permit will subject the property owner to fines and penalties outlined in RSA 676:17.

DATE OF APPLICATION: 6/2/20 PERMIT NUMBER ISSUED (OFFICE USE ONLY): 2020-10

\$50 APPLICATION FEE PAID: YES  NO  (OFFICE USE ONLY) CK# 1130  
PLEASE MAKE CHECK PAYABLE TO THE: TOWN OF JACKSON

CURRENT NH MEALS & ROOMS TAX LICENSE #: 100476

PROOF OF CURRENT NH MEALS & ROOMS TAX LICENSE #: YES  NO  (OFFICE USE ONLY)

PROPERTY LOCATION: Village District  Rural Residential District  / FOR RURAL RESIDENTIAL DISTRICT APPLICATIONS ONLY: PROOF OF SHORT TERM RENTAL USE PRIOR TO MARCH 12, 2020 (PROOF SHALL BE IN THE FORM OF A DATED SHORT TERM RENTAL ADVERTISEMENT, SHORT TERM RENTAL MANAGEMENT CONTRACT, SHORT TERM RENTAL CONFIRMATION/RECEIPT, OR A DATED NH DEPARTMENT OF REVENUE DOCUMENT CONTAINING THE PROPERTY'S MEALS & ROOMS LICENSE #): YES  NO  (OFFICE USE ONLY) NO LIMIT

PROPERTY OWNER: MAP: V10 LOT # 109 SUB LOT# 0

Name(s): Edmund + Heather Harvey

Property Address: 7 Balsam Drive

Mailing Address: 196 Packers Falls Rd. Durham, NH 03824

Email Address: heatheramon@yahoo.com

Phone Number: 781-710-4556

PLEASE IDENTIFY A PERSON WITHIN THE STATE OF NEW HAMPSHIRE THAT THE PROPERTY OWNER AUTHORIZES TO ACCEPT SERVICE OF PROCESS FOR ANY LEGAL PROCEEDING THAT MAY BE BROUGHT AGAINST THE OWNER OF THE PROPERTY:

Name(s): N/A

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Email Address: \_\_\_\_\_

**AFFIDAVIT OF PROPERTY OWNER IN SUPPORT OF SHORT TERM RENTAL CONDITIONAL USE PERMIT APPLICATION**

I, Heather Harvey (legal name of property owner), having been duly sworn, depose and state as follows:

- I am the owner of the property located at 7 Balsam Drive, Jackson, NH (physical address of property) (hereinafter referred to as the "STR Property"), and I am applying for a Short Term Rental Conditional Use Permit for this STR Property.
- I (have) have not (circle only one) used the STR Property as a Short Term Rental prior to March 12, 2020.
- Smoke detectors and Carbon Monoxide (CO) detectors are installed at the STR Property in any and all areas defined by the NH State Fire Code and NH State Building Code.
- I have read NH Dept. of Safety Informational Bulletin 2020-05 (Smoke Alarm Device Requirements in Dwellings) and Informational Bulletin 2020-06 (Carbon Monoxide Detection Devices in Single Family Dwellings), and all smoke detectors and Carbon Monoxide (CO) detectors installed at the STR Property are installed, maintained, and functioning consistent with these Informational Bulletins.
- I have read NH Dept. of Safety Informational Bulletin 2020-03 (Secondary Means of Escape - Egress Windows & Doors), and all windows and/or doors designated for emergency egress at the STR Property are maintained and in operational order consistent with this Informational Bulletin.
- No basement space of the STR Property shall be used as a sleeping area unless there are properly sized egress windows and/or doors conforming to the NH State Fire Code and NH State Building Code.
- A functional fire extinguisher is visibly installed in any and all kitchen area(s) of the STR Property.
- The maximum number of people that the STR Property will be advertised for in any published listing or other form of marketing shall be two (2) people for each bedroom listed on the town issued building permit (or, in the absence of a building permit, listed on the tax card) plus two (2) additional people. ①
- All vehicles shall be parked at the STR Property and in designated parking areas.
- I have provided proof of a current NH Meals and Rooms Tax license number for the STR Property.

AND FURTHER, the Affiant sayeth not.

Dated: 6/2/20

[Signature] (signature)  
Heather Harvey (printed name)

STATE OF New Hampshire  
 COUNTY OF Strafford

Personally appeared the above-named Heather Harvey who made oath that the foregoing statements made by her/him are true to the best of her/his knowledge, information, and belief.

Dated: 6/2/2020

[Signature]  
 Justice of the Peace / Notary Public ERIE L. PITT, Notary Public  
 My Commission Expires: 2/23/21 Justice of the Peace  
 My Commission Expires March 23, 2021

① The loft of the property is 24' long and has 4 twin beds. The property has been advertised to sleep 10 because of this room. #

**PLEASE READ AND SIGN BELOW**

I/We understand and accept that a Short Term Rental Conditional Use Permit granted by the Town of Jackson, based upon this application, does not relieve me/us from having to comply with any Local Ordinances, State or Federal Laws.

I/We understand and accept that I/we, as the property owner(s), are responsible for trash removal, ensuring that all parking of vehicles is on site, occupancy limits are not exceeded, and any site-specific conditions imposed are satisfied.

I/We understand that my/our permit may be revoked for failure to comply with the Short Term Rental Ordinance or any conditions of approval. I understand that a first violation may result in a warning, a second violation may result in a civil penalty of \$275.00, and a third violation will result in a revocation of my/our Conditional Use Permit.

I/We understand that if my/our Conditional Use Permit is revoked, I/we may not apply for reinstatement for a period of three (3) months.

I/We understand that any nuisances or any other dangers to the public health reported by any lodgers/short-term renters or abutters may require an inspection pursuant to NH RSA 147:3.

I/We understand and accept that Rural Residential District Short Term Rentals are limited to 30 rentals per dwelling unit annually unless the unit or another unit on the same property is occupied by at least one full time resident<sup>1</sup>.

I/We hereby certify that the information provided in this Short Term Rental Conditional Use Permit Application is true and that I/we have read and understand the Town of Jackson Zoning Ordinance as it applies to the use of my/our property as a Short Term Rental.

Owner(s) Signature: [Signature] Date: 6/2/20

Owner(s) Signature: [Signature] Date: 6/2/20

Owner(s) Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Approved by:**

Board of Selectmen Approval: [Signature] Date of Approval: 24 Aug '20

<sup>1</sup> Subject to proof of prior existence, Short Term Rentals in existence in the Rural Residential District at the time of the adoption of this ordinance at the March 12, 2020 Annual Town Meeting shall be exempt from the restriction on the number of annual rentals.






Lindsey M. Stepp  
Commissioner

# State of New Hampshire Department of Revenue Administration

109 Pleasant Street  
PO Box 3718  
Concord, NH 03302-3718  
(603) 230-5000  
www.revenue.nh.gov



Carolynn J. Lear  
Assistant Commissioner

 EDMUND & HEATHER HARVEY  
196 PACKERS FALLS RD  
DURHAM NH 03824-4401

Date: May 6, 2020  
Letter ID: L0000064318  
M&R License: 100476  
Account Type: Meals and Rentals Tax

## Meals and Rentals Tax Operator's License

# EXPIRES 2021

## LICENSE NO. 100476

EDMUND & HEATHER HARVEY  
HEATHER HARVEY  
7 BALSAM DR  
JACKSON, NH 03846-4418

Jan Feb Mar Apr May Jun Jul Aug Sep Oct Nov Dec  
X X X X X X

### NOTICE

**This license must be posted in a conspicuous place and is NON-TRANSFERABLE.**  
**Advertisements for short-term rentals must include the license number of the operator in the body of the ad.**  
**THE CLOSING OF THE BUSINESS VOIDS THIS LICENSE.**

As agents for the State, operators are required by law to collect and remit all Meals and Rentals Taxes due to the State on a monthly basis. Failure to file accurate returns and remit taxes to the Department will result in civil penalties and may be prosecuted as a Class B Felony.

Misappropriation of collected Meals and Rentals Tax money is a Class A Felony, punishable by 7-1/2 to 15 years in prison, in addition to other applicable criminal and civil penalties. This license issued by authority of RSA 78-A:4 and will expire on June 30, 2021.

### OPERATOR'S LICENSE

Lindsey M. Stepp  
Commissioner

TDD Access: Relay NH 1-800-735-2964

Individuals who need auxiliary aids for effective communication in programs and services of the Department of Revenue Administration are invited to make their needs and preferences known to the Department.

**OWNER INFORMATION**

**HARVEY, EDMUND PATRICK, III**  
HARVEY, HEATHER MARIE AMON  
196 PACKERS FALLS RD

DURHAM NH 03824

**PICTURE**



**PARCEL DESCRIPTION**

Acreeage: 0.380 1.50 STORY FRAME LOG HOUSE

Zone: RURAL RESIDENTIAL Year Built: 2016

Neighborhood: AVG +30 Bed/Bathrooms: 3 / 2.0

Land Use: 1F RES Effective Area: 1,212

**PROJECTS**

Type: **NEW SINGLE FAMILY HOME** Name: **SECOND HOME** Status: **CLOSED**

Project Date: 10/20/15 Application Submitted: 09/24/15 Public Hearing: Completed Date: 09/26/16

Owner Phone: 292-5917 / Impact Fee: Project Number:

Description: BUILD 2ND HOME - 33' 2 1/2" X 25' - 2 BEDROOM, 1.5 BATH

Permit Type: **BUILDING PERMIT** Number: 2015000057 Status:

Appr. Date: 10/15/15 Expr. Date: Estimated Cost: \$136,638 Fee: \$639.87

Applicant: HARVEY, EDMUND PATRICK, III Phone: 292-5917 /

Contractor: RICHARD LEVITT Phone: 387-4556 /

Contractor Company: License:

Permit Permission: BUILD 2ND HOME - 33' 2 1/2" X 25' - 2 BEDROOM, 1.5 BATH

Notes: ALL WORK MUST COMPLY WITH STATE OF NEW HAMPSHIRE BUILDING CODE AND THE TOWN OF JACKSON ZONING ORDINANCE

Project Totals: Permits: 1 Inspections: 0 Impact Fee: Fees: \$639.87



Edmund & Heather Harvey  
7 Balsam Drive  
Jackson, NH  
June 9, 2020

Town of Jackson  
RE: Short Term Rental Conditional Use Permit Application

To Whom It May Concern:

We are submitting evidence to you for our short term rental that we advertise as being able to occupy 10 people. This is to include the possibility of two families that may have more than 2 children each. As owners, we frequently host additional families with room to spare.

The cabin, which was completed in 2016, has two rooms on the main level each with a queen size bed. The loft is the span of the cabin along the backside with a length of 24 feet, easily fitting the two twin beds and two twin cots as shown below. The loft is also spacious enough to afford a bathroom with standard sized shower. For safety sake, and because our own children normally reside in the loft, there is also a fire ladder kept in the loft. Per building standards during construction, the size of our cabin was expanded to fit extremely large stairs to the loft that can fit a gurney down their width, as can be seen also in the picture on the backside of this letter. The basement is a walkout, equipped with a door as well as an egress window, also picture on the back.

Our driveway fits 6 normal sized cars with ease and we do not allow for parties or off street parking in our rental. Items that were already included in our rental agreement before the permit application process was put into place.

Please take these items into consideration in review of our application and request that we be permitted to rent to a maximum of 10 people. We would be happy to address any questions that may arise. Thank you for your time.



Left Side of Loft with Bathroom on Left



Right Side of Loft



**Stairs to Loft with Ed, & our 10 & 16 year old children fitting across**



**Basement with Door and Egress Window**

Sincerely,

**Edmund & Heather Harvey**

6/8/2020

Reservations

Guest	Check-in	Check-out	Property	Guests	Contact Information
Katousha Biello Vrbo	08/02/2019	08/04/2019	Balsam Cabin, 7 Balsam Dr, Jackson, NH (VRBO - 1307644), 7 Balsam Dr, ...	4 adults 0 children	+1 (514) 501-0757 katoushabiello@gmail.com
Vrbo	08/04/2019	08/07/2019	Balsam Cabin, 7 Balsam Dr, Jackson, NH (VRBO - 1307644), 7 Balsam Dr, ...	0 adults 0 children	
Matt Gagne HomeAway.com	08/07/2019	08/12/2019	Balsam Cabin, 7 Balsam Dr, Jackson, NH (VRBO - 1307644), 7 Balsam Dr, ...	2 adults 2 children	+1 50841-42969 matt.gagne@charter.net
Vrbo	08/12/2019	08/13/2019	Balsam Cabin, 7 Balsam Dr, Jackson, NH (VRBO - 1307644), 7 Balsam Dr, ...	0 adults 0 children	
Vrbo	08/13/2019	08/14/2019	Balsam Cabin, 7 Balsam Dr, Jackson, NH (VRBO - 1307644), 7 Balsam Dr, ...	0 adults 0 children	
Vrbo	08/14/2019	08/15/2019	Balsam Cabin, 7 Balsam Dr, Jackson, NH (VRBO - 1307644), 7 Balsam Dr, ...	0 adults 0 children	
Brad Nelson Vrbo	08/15/2019	08/18/2019	Balsam Cabin, 7 Balsam Dr, Jackson, NH (VRBO - 1307644), 7 Balsam Dr, ...	2 adults 2 children	+1 (603) 484-3723 amsbrn@comcast.net
Vrbo	08/18/2019	08/21/2019	Balsam Cabin, 7 Balsam Dr, Jackson, NH (VRBO - 1307644), 7 Balsam Dr, ...	0 adults 0 children	
Jeff scofield HomeAway.com	08/21/2019	08/28/2019	Balsam Cabin, 7 Balsam Dr, Jackson, NH (VRBO - 1307644), 7 Balsam Dr, ...	2 adults 0 children	+1 (203) 858-5356 jeffscofield@skyglobal.net
Vrbo	08/28/2019	08/29/2019	Balsam Cabin, 7 Balsam Dr, Jackson, NH (VRBO - 1307644), 7 Balsam Dr, ...	0 adults 0 children	
Vrbo	08/29/2019	08/31/2019	Balsam Cabin, 7 Balsam Dr, Jackson, NH (VRBO - 1307644), 7 Balsam Dr, ...	1 adult 0 children	

https://www.vrbo.com/rmp-1f-reservations/321.1307644.1659187/4-b289401b-893c-4bde-b30c-d1c485b4deca/m-elay/DateIso-asc/et-post\_slay/ 2/3

6/8/2020

Reservations as of June 8, 2020 7:58 PM

Guest	Check-in	Check-out	Property	Guests	Contact Information
Vrbo	05/02/2019	05/09/2019	Balsam Cabin, 7 Balsam Dr, Jackson, NH (VRBO - 1307644), 7 Balsam Dr, ...	0 adults 0 children	
Vrbo	05/09/2019	05/15/2019	Balsam Cabin, 7 Balsam Dr, Jackson, NH (VRBO - 1307644), 7 Balsam Dr, ...	0 adults 0 children	
Vrbo	05/15/2019	05/22/2019	Balsam Cabin, 7 Balsam Dr, Jackson, NH (VRBO - 1307644), 7 Balsam Dr, ...	0 adults 0 children	
Chris Hall Vrbo	07/03/2019	07/05/2019	Balsam Cabin, 7 Balsam Dr, Jackson, NH (VRBO - 1307644), 7 Balsam Dr, ...	4 adults 3 children	+1 (215) 896-7402 christina_hall@hotmail.com
Vrbo	07/09/2019	07/09/2019	Balsam Cabin, 7 Balsam Dr, Jackson, NH (VRBO - 1307644), 7 Balsam Dr, ...	0 adults 0 children	
Andrea Stout Vrbo	07/12/2019	07/19/2019	Balsam Cabin, 7 Balsam Dr, Jackson, NH (VRBO - 1307644), 7 Balsam Dr, ...	4 adults 0 children	+1 (401) 862-5773 andreasstout@aol.com
Vrbo	07/19/2019	07/22/2019	Balsam Cabin, 7 Balsam Dr, Jackson, NH (VRBO - 1307644), 7 Balsam Dr, ...	0 adults 0 children	
Jacques Morth Vrbo	07/25/2019	07/28/2019	Balsam Cabin, 7 Balsam Dr, Jackson, NH (VRBO - 1307644), 7 Balsam Dr, ...	2 adults 0 children	+1 (508) 776-2953 m104mills@yahoo.com
Vrbo	07/28/2019	07/29/2019	Balsam Cabin, 7 Balsam Dr, Jackson, NH (VRBO - 1307644), 7 Balsam Dr, ...	0 adults 0 children	
Vrbo	08/01/2019	08/02/2019	Balsam Cabin, 7 Balsam Dr, Jackson, NH (VRBO - 1307644), 7 Balsam Dr, ...	0 adults 0 children	

https://www.vrbo.com/rmp-1f-reservations/321.1307644.1659187/4-b289401b-893c-4bde-b30c-d1c485b4deca/m-elay/DateIso-asc/et-post\_slay/ 1/3

Harvey : 7 Balsam Drive : Proof of Short Term Rental Prior to March 12, 2020 #

# Julie Hoyt

**From:** Heather Harvey <heatheramon@yahoo.com>  
**Sent:** Monday, August 17, 2020 1:53 PM  
**To:** Julie Hoyt; Edmund Harvey  
**Subject:** Re: STR Conditional Use Permit approval

Hello Julie,

Thank you. After our phone call today I updated our site. I have attached a screenshot below. Please let me know if more information is needed.

Thank you for all your help!  
Heather Harvey



1307644

7 Balsam Dr, Jackson, N

- Dashboard
- Inbox
- Calendars v
- MarketMaker™
- Reservation manager v
- Ranking metrics
- Property v
- Local laws Beta

### House Rules

Maximum occupancy  
*Note for traveler*

Total travelers  
**6**

- Minimum age requ  
*Note for traveler*
- Parties/events allow  
*Jackson has a strict n*
- Pets allowed ?  
*Note for traveler*
- Suitable for childre  
*Note for traveler*
- Smoking allowed ?

On Monday, August 17, 2020, 01:41:25 PM EDT, Julie Hoyt <adminassist@jackson-nh.org> wrote:

Dear Heather and Edmund,

This email is to inform you that the Board of Selectmen approved your Conditional Use Permit at their August 11<sup>th</sup> meeting. The approval is for your property located at 7 Balsam Drive, in Jackson, NH.

Please note the Selectmen have issued your approval based the condition that your current advertisement for occupancy will be updated to reflect the Short Term Rental Ordinance section 4.4.3.6 (c):

**4.4.3.6 The application will be approved or denied by the Board of Selectmen using the following criteria:**

a. The owner of a proposed Short Term Rental unit shall provide the name, address, and telephone number of a person within the state who is authorized to accept service of process for any legal proceeding brought against the owner of the property.

b. As part of the application process the owner of the Short Term Rental unit must sign an Affidavit which shall certify the following:

i. Smoke/CO detectors are installed in areas defined by the NH State Fire Code and NH State Building Code and are functioning.

ii. Windows and/or doors designated for emergency egress are maintained and in operational order.

iii. No basement space shall be used as a sleeping area unless there are properly sized egress windows and/or doors conforming to the NH State Fire Code and NH State Building Code.

iv. A functional fire extinguisher is visibly installed in any kitchen area.

v. The maximum number of people that the dwelling unit can be advertised for in any published listing or other form of marketing, shall be two (2) people for each bedroom listed on the town issued building permit plus two (2) additional people.

vi. All vehicles shall be parked on the property and in designated parking areas.

**c. The owner of a Short Term Rental unit shall provide proof of a current NH Rooms and Meals Tax license number.**

Your rental currently advertises to sleep 10 and the maximum sleep occupancy for your 2 bedroom rental is 6.

Please send us confirmation once your occupancy has been updated.

Sincerely,

Julie Hoyt

**\*\*The Town Office Building has been closed to the public, however staff are available to transact business during normal business hours. Most transactions can be handled electronically or via phone. Please email or call and we will get back to you as quickly as possible. Thank you and stay safe!**

**Julie Hoyt**

**Administrative Assistant**

*Jackson Selectmen's Office*

*54 Main Street*

*P O Box 268*

*Jackson, NH 03846*

*Phone: 603.383.4223 / Fax: 603.383.6980*

*Office Hours: Monday – Thursday 8-3 & Friday 8-12*

*Email: [adminassist@jackson-nh.org](mailto:adminassist@jackson-nh.org)*

*Website: [www.jackson-nh.org](http://www.jackson-nh.org)*

The information contained in this message may be privileged and confidential and protected from disclosure. If the reader of this message is not the intended recipient, an employee, or agent responsible for delivering this message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this email in error, please notify us immediately by replying to this message and deleting it from your computer.

John Allen\_\_\_\_\_

Barbara Campbell\_\_\_\_\_

Dick Bennett\_\_\_\_\_

**Board Of Selectmen Meeting  
August 25th, 2020  
UNOFFICIAL UNTIL APPROVED**

**Present:** Dick Bennett , Chairman; Barbara Campbell, Selectman, John Allen, Selectman

**Attendees:** Bill Terry, Beth Funicella, Erica Klein, Chris Perley, Sue Nasca, Peter and Emily Benson, Julie Atwell, Ed Harvey, Julie Hoyt, and Hank Benesh.

Meeting via ZOOM conference call with audio/video recording

1. Meeting called to order at 4:04 P.M.
2. Approval of Minutes
  - a. **Selectman Campbell made a motion to approve the minutes from the August 11th Selectman's regular meeting, seconded by Selectman Allen. Motion approved unanimously.**
3. **For Selectman Discussion and/or Motions:**
  - a. Meeting Format - Selectman Campbell spoke with Town Administrator Julie Atwell and Building Inspector Kevin Bennett about the logistics of holding Selectmen's meetings in physical format. Meetings in the Select office's conference room would be too limited in maximum occupancy to safely follow COVID-19 regulations, and using the Whitney Community Center would be costly and require significant effort to set up furniture before and sanitize and put away furniture after the meeting. Therefore, using a virtual format, such as Zoom with audio and video, remains the best option. Selectman Allen agrees that the Zoom format would be the best choice for meetings held in the immediate future.
  - b. Police Vehicle - Jackson Police Chief Chris Perley explained the current state of the police vehicle fleet and described his plan to send a competitive bid request for a police package, or Special Service Vehicle (SSV), Dodge Ram 1500. Chief Perley stated an additional truck would benefit the fleet for its

additional passenger or storage space. He intended to send bid requests to Berlin City Auto, Crest Automotive, and McDonald Motors. He also stated his preference to keep all three vehicles in the fleet for one year for the convenience of availability and to mitigate the difference in mileage between the current two vehicles. Chairman Bennett agreed with choosing a Dodge Ram as a new vehicle but voiced concern about keeping the Chevy Tahoe, stating that the new truck for the Fire Department would be a backup truck for both the Fire and Police Departments and would eliminate the need to retain a third police vehicle. Selectman Campbell agreed with Chief Perley's choices of dealerships and asked to review the bids when they arrive, if possible.

- c. Thompson House -- Monthly Parking Update - No complaints had been received regarding the table space in front of the Thompson House, and the Board had no issues with allowing that use to continue.
- d. Current Use Applications
  - i. Tilney Revocable Trust, 41.35 acres on Carter Notch Road - Recommended for approval by Town Assessor Jason Call. **Selectman Campbell made a motion to approve the application, seconded by Selectman Allen. Motion approved unanimously.**
  - ii. Elizabeth A. Loynd Revocable Trust, 46.3 acres at 146 Thorn Hill Road - Recommended for approval by Town Assessor Jason Call. **Selectman Allen made a motion to approve the application, seconded by Selectman Campbell. Motion approved unanimously.**
- e. Charitable Exemptions
  - i. New Hampshire Public Radio - Historically approved by the Town of Jackson. **Selectman Campbell made a motion to approve NH Public Radio as a charitable organization, seconded by Selectman Allen. Motion approved unanimously.**
  - ii. New England Forestry Foundation - Historically not approved by the Town of Jackson. **Selectman Campbell made a motion to deny New England Forestry Foundation as a charitable organization, seconded by Selectman Allen. Motion approved unanimously.**
- f. Trustees of the Trust Funds
  - i. Funding - \$119,000 to be deposited into Capital Reserve Funds and Expendable Trust Funds per the following warrant articles:
    - 1. Fire Truck - Capital Reserve Fund 0003, article 4 - \$80,000
    - 2. Heavy Highway Vehicle - Capital Reserve Fund 0068, article 4 - \$30,000
    - 3. Dry Hydrant - Expendable Trust Fund 0049, article 5 - \$500

4. Police Department Equipment - Expendable Trust Fund 0051, article 5 - \$3,000
  5. Fire Department - Expendable Trust Fund 0046, article 5 - \$3,000
  6. Melloon Road Groundwater - Expendable Trust Fund 0071, article 5 - \$2,000
  7. Town Office Equipment - Expendable Trust Fund 0047, article 5 - \$500
    - a. **Selectman Allen made a motion to authorize the transfer, seconded by Selectman Campbell. Motion approved unanimously.**
- ii. Withdrawals
1. \$2,512 from Police Department's Expendable Trust Fund 0051 - Order #16837, April 17th, 2020 from Sound Uniform Solutions
  2. \$25.96 from Wentworth-Wildcat Fund 0029 - Invoice #322052, August 8th, 2020 from Lucy Hardware
    - a. **Selectman Campbell made a motion to approve the withdrawals, seconded by Selectman Allen. Motion approved unanimously.**
- g. Land Survey -- Jackson Falls - Selectmen discussed whether or not to get land surveyed at Jackson Falls to clearly delineate Wentworth property from town-owned property. Chairman Bennett explained this would be important when addressing issues with parking space for the Jackson Falls. The area to be surveyed would include space across from Wentworth, from the stone bridge to the snow roller and matching information plaque. Selectman Campbell asked what such a survey would cost. All agreed that the survey would have considerable merit. Chairman Bennett said he would explore the cost of hiring a surveyor and return that information to the Board.
- h. Process for Resident Committees (Short-Term Rentals (STRs) and Jackson Falls) - Chairman Bennett suggested that residents should come together and discuss ideas and recommendations of how to manage Jackson Falls parking and STR regulation. Residents could submit through the Town Office their names and their interest to either or both committees. Selectman Campbell asserted that residents should join the committees to voice their opinions with the goal of forming constructive ideas and suggestions, not just to air grievances. She also suggested submitting through the Town Office letters of interest to form and/or join their desired committee. Selectman Allen proposed that the Conservation Commission would have a wealth of information to provide to a committee for the Jackson Falls.

- i. Department of Revenue Administration (DRA) -- MS-434 and MS-1 - The Board is waiting for the forms to be received in order to review and vote to accept them. Selectman Campbell said the forms are approaching their deadline but are not yet late (due September 1st). Town Administrator Julie Atwell asked if the Board could conditionally approve the forms so they could be sent to the Department of Revenue after being received and signed. Chairman Bennett agreed that the forms could be approved conditionally and entertained such a motion. **Selectman John made a motion to conditionally approve forms MS-434 and MS-1, seconded by Chairman Campbell. Motion approved unanimously.**
- 4. Short-Term Rentals - Applications for Approval**
- a. Prior to voting on any applications, Selectman Campbell read for the record a letter submitted to the Board, and also sent to the Planning Board, by Heath Doucette (see Appendix A for full transcript). The letter provided information about the requirement of all STR owners to obtain and display a meals and rooms license. The letter also criticized both Boards for neither directly involving STR owners nor notifying owners about the newly-established regulations. Chairman Bennett explained that the procedure for registering STRs is new, and the Board is only just starting to process the registrations, which has brought some issues to light. Selectman Campbell asserted that Planning Board meetings for at least the past year and a half had highlighted the creation of a STR registration application; these meetings were all open to the public and had their agendas publicly displayed in prominent locations.. Legal consultation was obtained many times in refining the application, and the regulations were voted in by town ballot. Chairman of the Planning Board Bill Terry was recognized to speak on the subject of the letter as well. Bill stated that the Planning Board did receive feedback from STR owners and took that feedback into consideration when refining the STR regulations. He also related instruction from the State of New Hampshire, issued in August 2017, stating AirBnB hosts are not required to maintain a separate meals and rooms license if they exclusively operate through AirBnB<sup>1</sup>. Selectman Allen asked if STR owners sign an affidavit to AirBnB attesting that they rent exclusively through AirBnB and, if so, if the Town of Jackson could request a copy of said affidavit for their records. Chairman Bennett agreed that acquiring a copy of the affidavit would be helpful for managing the status of STR owners who have registered.

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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>

Selectman Campbell commented that a notification of the new requirement for registering an STR property will be sent out with the next issued tax bills.

**b. Resubmitted:**

- i. Harvey, Edmond -- 7 Balsam Drive - Updated advertising to conform to maximum occupancy advertising guidelines. **Approved.**
- ii. Hayes, Ishi -- 692 Dundee Road - Provided a letter from AirBnB regarding meals and rooms license. **Approved.**

**c. Newly Submitted:**

- i. Payne, Lisa and Alexander -- 30-2 High Pastures West - **Approved.**
- ii. Horrigan, Kim -- 62 Thorn Hill Road - **Not approved;** owners are advertising over maximum occupancy guidelines.

**5. Public Comment**

- a. The upcoming meeting on September 8th is cancelled in lieu of the primary election on the same day. The next meeting will be held via Zoom on September 22nd at 4 P.M.
- b. A public hearing to accept monies left to the Police and Fire Departments into the Trust is scheduled for September for 15th.
- c. Volunteers are still needed to work the polls, for both morning and afternoon shifts, and count ballots in the evening for the September 8th election. Interested parties may contact Julie Hoyt at the town office.

**6. Selectman Campbell made a motion to adjourn the meeting, seconded by Selectman Allen. Motion approved unanimously.**

Meeting adjourned at 5:20 P.M.

Respectfully submitted by Will Reisig

## **Appendix A - Letter from Heath Doucette to Town of Jackson Board of Selectmen and Planning Board**

BOS and PB,

I noticed a PB discussion of whether or not to require a M&R license for permits due to some operators only using Airbnb and Airbnb collecting and remitting taxes to the state. Since the town's permit process is a multi step process involving both boards, I am sending this to both boards for edification.


The state requires all STR operators (under 185 days) to obtain a M&R license regardless of who/ how collection and remittances are made. It's also a requirement that operators display that license prominently in the property and on all advertising. Obtaining a M&R license is extremely easy, requires no fee and can be done entirely online in under 10 minutes. The license automatically renews annually, but does not renew on the same date for all operators.

The operator is required to file a return monthly (it was incorrectly stated that they file quarterly) and there is an option for an operator to register as a seasonal filer, for those who only rent a few months of every year. In short, obtaining a M&R license is the baseline requirement by the state and for any permitting process the town institutes. This information is available on the NHDRA website, <https://www.revenue.nh.gov/>, easily accessible to all, and the department maintains a very friendly and helpful staff for telephone inquiries.

I think issues like these that come up frequently in meetings could be quickly resolved if STR operators were consulted. To date, the town has made no notification to tax payers of the new amendments and requirements and has not contacted or solicited advice from operators. I believe the town's intent is to make notification via the next tax bill which would be issued in November. I've heard so many misstatements during the meetings that require much time and discussion by the boards, I find as a taxpayer to be disconcerting. It seems highly inefficient to operate in this manner.

I and a group of full time resident operators have informed many out of town operators of their new requirements and all have been perplexed as to why they were not contacted by the town. It would behoove the town to step up the notification process considerably and not leave it up to residents to inform out of town taxpayers of their responsibilities.

Sincerely,  
Heath Doucette

**From:** Ed Harvey [edmundharvey@yahoo.com](mailto:edmundharvey@yahoo.com)   
**Subject:** Re: HARVEY - Jackson Select Board Administrative Decision Appeal  
**Date:** August 17, 2024 at 10:51 AM  
**To:** Frank Benesh [frank\\_benesh@alum.mit.edu](mailto:frank_benesh@alum.mit.edu), Julie Hoyt [townadmin@jackson-nh.org](mailto:townadmin@jackson-nh.org)



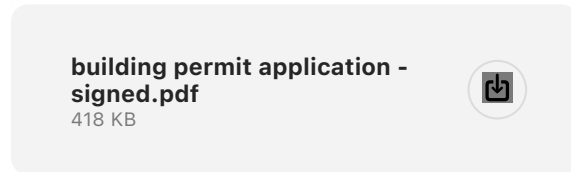
Attached is the original building permit application for 7 Balsam Dr.

On Saturday, August 17, 2024 at 10:42:46 AM EDT, Ed Harvey <[edmundharvey@yahoo.com](mailto:edmundharvey@yahoo.com)> wrote:

Print materials and fee to the town will be submitted in person to the town office on Monday, Aug 17. Thank you for your help organizing this submission. I am certain some pieces may be missing. Please let me know what else the ZBA needs after reviewing the submission. After careful consideration, I have decided to only submit an Administrative Decision Appeal. I am not applying for a variance. I disagree with the Select Board's decision as it relates to all STRs in Jackson. My property is not unique or special. The Select Board is simply overreaching in its interpretation. That is my appeal to the ZBA.

Thank you again for reviewing my submission. I will send electronic copies of the submission in pieces to avoid any file size overloads. Attached is my appeal application and related violations from the Select Board.

Ed Harvey  
781-789-1032



## RESIDENTIAL/COMMERCIAL BUILDING PERMIT APPLICATION TOWN OF JACKSON

PO Box 268  
Jackson, New Hampshire 03846  
Phone: 603-383-4223 Fax: 603-383-6980  
March 3, 2015

### Checklist for Items Needed to Obtain a Residential Building Permit:

**Required:** a thoroughly complete building permit application and the payment of all appropriate fees. The following items must be included with the application.

- Map and Lot #
- Complete contact information for both the Property owner and the Contractor including email addresses and telephone numbers.
- A site sketch or drawing accurately showing the size of the lot, the property lines and the setbacks to the structure that demonstrates compliance with zoning setback requirements.
- Plans and/or narrative adequate to determine compliance with Section 4.1.6, Site Disturbance, of the Town of Jackson Zoning Ordinance.
- Dimensioned floor plans for all floor levels specifying each room with its intended use.
- Dimensioned exterior elevation plans for new construction or work that will change the roofline. See the Zoning Ordinance for height requirements.
- A State Septic Approval for Construction number for a system designed for the use that is being proposed. The town needs to approve septic designs before submission to NH DES for approval.
- Driveway permits as required. Driveway permits are required on State and Town roads. For Town Driveway permits contact the Jackson Highway Department at 603-383-7115. For State Driveway Permits contact District 1 at 603-788-4641.
- Blasting permits as required.
- Renovation or Demolition projects: Evidence of required inspections for asbestos and lead. Information is available from the Department of Environmental Services at <http://www.des.nh.gov>. Evaluation of asbestos and lead containing materials is necessary prior to demolition or renovation of any structure.
- SMALL WIND ENERGY SYSTEMS Applications for construction of these systems must include a list of abutters with mailing addresses and payment of the cost of notifying each by certified mail.
- • Certified approved Energy Code number from NH Public Utilities Commission as required. Information is available at <http://www.puc.state.nh.us>.

Note: All plans, drawings and narratives submitted with the application or additionally required will be permanent records kept on file at the Jackson Town Office.

### Items Needed to Obtain a Residential Occupancy Permit:

- A town approved building permit number.
- A town and State Approval to operate a septic system. ✕
- A state approved Division of Fire Safety permit to install and operate oil burning equipment to be in compliance with RSA 153:5. Applications for this permit are available at the Jackson Town Office and must be approved by the Fire Inspector and in compliance with State Fire Code (Fir 602) as adopted by the State Fire Marshal. Inspected and approved by the Jackson Fire Department. Contact phone number 603-383-4090.
- Required Town of Jackson Building Inspections at the appropriate point in the construction process and a final inspection. See below for a list of required inspections.
- Code compliant E911 signage. Please see the Town of Jackson E911 Street Numbering Ordinance available online at [www.jackson-nh.org](http://www.jackson-nh.org) or at the Town Office.

### Code Compliancy Requirements:

State Law requires compliance with the following codes for the construction of residential buildings, building components or structures:

#### Residential

International Residential Code 2009 Edition  
National Electrical Code 2014  
International Plumbing code 2009 Edition  
International Energy Conservation Code 2009  
International Mechanical Code 2009

#### Commercial

International Building Code 2009 Edition  
ICC A117.1-98 (Accessible & Usable Buildings & Facilities)  
National Electrical Code 2011  
International Plumbing code 2009 Edition  
Life Safety Code 2009  
International Energy Conservation Code 2009

All construction must comply with the State Building Code and the Town of Jackson Zoning Ordinance.

#### **Please note:**

1. Any electrical work must be completed by a licensed electrician per RSA 319-C:1
2. Any plumbing work must be completed by a licensed plumber per RSA 329-A.
3. Any gas work must be completed by a licensed gas fitter per RSA 153:28.
4. The property owner of a single family dwelling occupied by the owner as their primary domicile with no other living units in the structure may do their own work.

### Inspections Required by the Town of Jackson:

1. **Pre-Foundation & Site Disturbance Inspection:**  
After Site Disturbance, after any required excavation, and after forms have been erected with any required reinforcing steel in place and before pouring concrete.
2. **Flood Plain Inspection (where applicable):**  
Flood plain construction requires the submission of certification prepared by a registered professional engineer or land surveyor of the elevation of the lowest floor. The inspection will occur once the elevation of the lowest floor has been determined at the site and prior to any construction being initiated.
3. **Frame & Masonry Inspection :**  
After roof, masonry, all framing, fire stopping, draft stopping, and bracing are in place
4. **Rough Plumbing, Mechanical, Gas and Electrical System Inspection:**  
After rough plumbing, mechanical, gas and electrical have been installed and before insulation and sheetrock, plaster or other interior finishes are installed.
5. **Fire- Resistance Rated Construction Inspection (where applicable):**  
Where required between or within dwelling units or due to location on property before wallboard joints and fasteners are taped and finished.
6. **Final Inspection :**  
After permitted work is complete and prior to occupancy. *Occupancy permits will NOT be issued without proper code compliant E911 signage.* The Town of Jackson E911 Street Numbering Ordinance is available at the Town Office or at [www.jackson-nh.org](http://www.jackson-nh.org).

Please be aware that all noted inspections are required. In the event that additional trips are needed to re-inspect deficiencies or to make additional inspections of the same systems, the property owner will be required to reimburse the Town of Jackson at the current hourly rate that the Town is paying its inspection contractor. "Rough" inspections are required to be scheduled simultaneously.

It is the responsibility of the contractor to arrange for inspections at the appropriate stage of the work. Please call the Town Office at 603-383-4223 to schedule these inspections.

RESIDENTIAL/COMMERCIAL BUILDING PERMIT APPLICATION  
TOWN OF JACKSON

PO Box 268  
Jackson, New Hampshire 03846  
Phone: 603-383-4223 Fax: 603-383-6980

Permit Number Issued \_\_\_\_\_

Date of Application \_\_\_\_\_

Map & Lot Number V-10 109

Street Name and Number Balsam Drive

Class VI Road: YES or **(NO)** (Circle one)

Village District \_\_\_\_\_ or Rural Residential District \_\_\_\_\_ (Check one)

Property Owner Information:

Name Edmund + Heather Harvey Telephone #'s 603-292-5917, 781-710-4556  
781-789-1032

Mailing Address 196 Packers Falls Rd, Durham, NH 03824

Email Address heatheramon@yahoo.com

Contractor Information:

Name Richard Leavitt Telephone #'s 603-387-9097

Mailing Address 48 Hidden Pines Rd, Fryeburg, ME 04037

Email Address leavittcontracting@yahoo.com

Reason for Permit:

Structure: New  Addition \_\_\_\_\_ Alterations \_\_\_\_\_ Wind Generation Facility \_\_\_\_\_

Specify changes: \_\_\_\_\_

Intended Use: 2nd home

Dimensions of New Structure or Addition: ~33'2 1/2" x 25'

Does this property or part of this property receive a "CURRENT USE" Taxation - RSA 79-A? Yes \_\_\_\_\_ No   
Explain \_\_\_\_\_

See RSA Chapter 79-A Current Use Taxation. "Current use" is an assessment of land value for taxation purposes meant to encourage the preservation of open space. Land presently within "current use" cannot be part of the buildable area of the lot unless removed from current use.

**Structure Setback Requirements:** 50 feet' from the edge of any road right-of-way (typically the edge of the road right of way and the front property line are one in the same), 25 feet from any abutter property line and 50' from the near bank of any year-round stream or body of water which is a property boundary. Setback requirements may also be affected by Section 5, River Conservation District, of the Zoning Ordinance. The village district has additional requirements that apply along route 16A and for frontage on a road right of way. Please refer to the Zoning Ordinance

Specify the setback distances: Facing the road 50' Back of property 25' (at least)  
Side of property 35' 32' Other Side of Property > 45' (~58')

Length of frontage on the street 108.27'

**Special Flood Hazard**

Is this land in an area of Special Flood Hazard? YES \_\_\_\_\_ No X

Please see Section 10 of the Jackson Zoning Ordinance for details on flood areas.

**CONSTRUCTION TYPE:** (applicable to proposed work on permit) Check all that apply.

**Foundation:**

Concrete X  
 Cem. Block \_\_\_\_\_  
 Stone \_\_\_\_\_  
 Piers \_\_\_\_\_

**Basement:**

Full X  
 3/4 \_\_\_\_\_  
 1/2 \_\_\_\_\_  
 1/4 \_\_\_\_\_

**Insulation:**

Blanket \_\_\_\_\_  
 Walls \_\_\_\_\_  
 Roof X  
 Attic \_\_\_\_\_

**Exterior Walls:**

Clapboard \_\_\_\_\_  
 Wide Siding \_\_\_\_\_  
 Wood Shingles \_\_\_\_\_  
 Stucco \_\_\_\_\_  
 Brick \_\_\_\_\_  
 Vinyl Siding \_\_\_\_\_  
 T-11 \_\_\_\_\_  
 Log X

**Interior Finish:**

Drywall \_\_\_\_\_  
 Plaster \_\_\_\_\_  
 Paneling \_\_\_\_\_  
 Knotty Pine X

**Floors:**

Basement X  
 First Floor X  
 Second Floor Loft  
 Third Floor \_\_\_\_\_

**Bedrooms:**

number 2

**Electric:**

Type of Service Utility Company

**Heating:**

Electric \_\_\_\_\_  
 Hot Water \_\_\_\_\_  
 Hot Air \_\_\_\_\_  
 Fireplace X  
 Wood Stove \_\_\_\_\_  
 Steam \_\_\_\_\_  
 No Heat \_\_\_\_\_

**Plumbing:**

# Full Baths 1 # 1/2 1  
 Laundry Room 1  
 Garbage Disposal 0  
 Kitchen Sinks # 1  
 Other \_\_\_\_\_  
 No Water \_\_\_\_\_

**Out buildings: include size of building**

Garage \_\_\_\_\_  
 Barn \_\_\_\_\_  
 Shed \_\_\_\_\_  
 Deck \_\_\_\_\_  
 Patio \_\_\_\_\_  
 Swimming Pool \_\_\_\_\_  
 Other \_\_\_\_\_

**PERMITS AND APPROVALS:**

**Site Disturbance:**

Type: Driveway X Excavation X Well X Septic X  
 Blasting: Contractor Name \_\_\_\_\_ Phone \_\_\_\_\_  
 License Number: \_\_\_\_\_ Proposed start date of project: \_\_\_\_\_

**Driveway Permit:**

Copy of driveway permit is attached: Yes X No \_\_\_\_\_ Not Applicable \_\_\_\_\_

**Septic System:**

Note: New septic loads may not be added to any existing structure without an approved town and state septic system design.

Septic Approval # eCA 2015052207

**Non-Conforming Lot Size:** See Zoning Ordinance Section 6 for Minimum Lot Size requirements.

**Additional Items of Note:**

**Water Testing & Wells:** The state of New Hampshire encourages all owners to have new and existing wells tested.

Water: Dug Well \_\_\_\_\_ Drilled Well X Community Well \_\_\_\_\_ Town Water \_\_\_\_\_

Water course if applicable: \_\_\_\_\_

Is this property located within the Jackson Water Precinct boundary? No

Is the property in compliance with the Jackson Water Precinct requirements? N/A

Please call Jackson Water Precinct 383-6539 for more information.

**Well Radius:**

For any lot, the entire well radius to the extent possible shall be located on this lot. If the well radius cannot be located entirely on the lot, it shall be located to the extent possible within the well radius of any abutting lot or within land which is non-buildable under state and local regulation. The purpose of this requirement is to protect water quality on all lots. An applicant shall be expected to release the town in connection with protective well radii in the same manner as the State of New Hampshire under RSA 485-A:30-b. This release shall be recorded at Carroll County Registry of Deeds.

**Streams & Rivers:** Please refer to the Jackson Zoning Ordinance

**Plumber:** D. Whitelaw Mechanical, Inc.

License Number: 4883M

**Electrician:** Steven Gagne Electric

License Number: 12756M

**Gas Fitter:** D. Whitelaw Mechanical, Inc.

License Number: GF0700596

**RESIDENTIAL/COMMERCIAL BUILDING PERMIT FEES:**

**A Building Permit APPLICATION Must Be Submitted For ALL PROJECTS**

Although a building permit is not required for Alterations within the footprint of an existing building or structure, a Building Permit Application must be submitted.

Note: When a permit is not required (circumstances outlined above) the Town of Jackson will not require or provide inspections of the work. Inspections may be required under the State of New Hampshire Building Code, RSA 155-A. It is the obligation of the contractor and / or owner to request inspections.

**Alterations to an Existing Building or Structure Extending Outside the Existing Footprint :**

A permit is required for alterations that extend outside the footprint of an existing building or structure (i.e. including but not limited to decks and attached sheds).

Note: Alteration is specifically defined at Section 3.4 of the Jackson Zoning Ordinance. The definition reads: "Alteration" means any structural change to a building and change of present design or use where compatible and consistent with existing uses.

**Permit Fees are required for all projects except Alterations under the circumstances described above.**

The fees are calculated based upon gross area (total square feet of all floors) of the proposed work and type of construction. The gross SF is multiplied by the adjusted SF construction cost. The construction cost is determined by using regionally adjusted Building Valuation Data (BVD). The BVD is a national average construction cost for building to the minimum standards of the Building Code. Building Valuation Data is updated twice a year by the International Code Council and is available for viewing at the Town Office.  
All fees will be collected prior to the issuance of the Building Permit.

**Example:**

Type of construction: R-2 Residential, 1 and 2 family, V-B  
Area: unfinished basement 1,200 SF x \$19.20 = \$23,040  
1<sup>st</sup> floor 1,200 SF x \$130.43 = \$156,516  
2<sup>nd</sup> floor 800 SF x \$130.43 = \$104,344  
Misc (ex: deck, shed) 1,000 SF x \$45.05 = \$45,050  
Total SF Construction Cost = \$328,950  
\$328,950 (total construction cost) x .0025 (permit fee multiplier) = \$822.38

- *There is a non-refundable base fee to process the application of \$25.*
- *Permit Fee: 0.0025 per dollar value for the estimated value of work requiring an inspection using the ICC Building Valuation Data.*

Permit Application Non-Refundable Processing Fee: \$25 \_\_\_\_\_  
Permit Fee - estimated value of work \$ 136,637.58 x 0.0025 = \$341.59

Permit Application + Permit Fee = Total Amount Due: \$366.59  
Please make check payable to the "Town of Jackson"

Note: Project value is subject to review by the Town of Jackson based on the area of the project and estimated costs per square foot, giving consideration to the work to take place.

**IN THE EVENT THAT A BUILDING PERMIT IS NOT ISSUED, THE APPLICATION FEE IS NON-REFUNDABLE.**

Permitted work must be completed within one year from the date of issuance. Application for a renewal permit may be submitted. Permit renewal fees are \$25 for All Projects.  
Failure to secure an approved Building Permit may result in fines pursuant to RSA 676:17

I understand and accept that approval granted by the Town of Jackson, based upon information supplied herein, does not relieve me from having to comply with any Local Ordinances, State or Federal Laws.

I hereby certify that the information herein is true and the above project will be accomplished in accordance with the information submitted. I have read and understand the Town of Jackson Zoning Ordinance as it applies to this project and I understand the Building Inspector will act to enforce both the Zoning Ordinance and the State of New Hampshire Building Code.

Owner(s) Signature: [Signature] Date: 9/20/15  
Owner(s) Signature: [Signature] Date: 9/20/15  
Owner(s) Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Building Inspector Approval: \_\_\_\_\_ Date of Approval: \_\_\_\_\_

Fire Inspector Approval: \_\_\_\_\_ Date of Approval: \_\_\_\_\_

---

**Subject:** Energy Code Application Approval

---

**From:** Osgood, Jon (Jon.Osgood@puc.nh.gov)

---

**To:** heatheramon@yahoo.com;

---

**Date:** Monday, September 21, 2015 9:46 AM

---

Dear Edmund and Heather Harvey:

Your Energy Code Application for New Hampshire Energy Code related components and systems to be installed in the planned construction at:

Map: V10

Lot: 109

Address: Balsam Drive

Town: Jackson

has been accepted and approved by the Public Utilities Commission as number:

91110315

A printed copy of your approval will be mailed to you in the immediate future.

I wish you the best of luck with your project. If I can be of any further assistance, please don't hesitate to contact me.

Jonathan Osgood

Energy Conservation Coordinator

TOWN OF JACKSON, NH  
**DRIVEWAY APPLICATION & PERMIT**

**COPY**

Date: 8/13/15 Map #: V-10 Lot #: 109 Building Permit: \_\_\_\_\_

Town Road Name: Balsam Drive Is this a Class VI road (please circle)? Yes or **No**

Contractor: Fred Henry (FFS) Contact No: 520.9578

Owner: Edmund + Heather Harvey

Address: 196 Packers Falls, Durham, NH 03824

Abutters: V-10 110 - Charles Bizier  
V-10 114 - Mark Barnes

Size of Culvert Approved by Road Agent: N/A Not needed

Type of Culvert Approved by Road Agent: N/A

Installation of Erosion Stone in ditch line: Yes \_\_\_\_\_ No

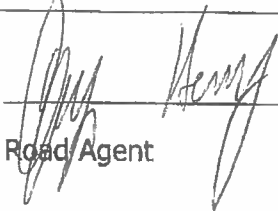
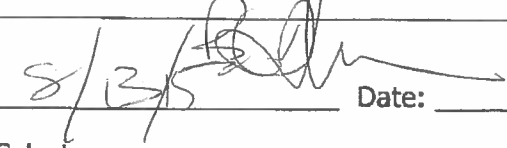
Is there proper sight distance? Yes  No \_\_\_\_\_

Is a bridge required for access? Yes \_\_\_\_\_ No

Comments or Conditions: Entrance at driveway must meet town spec.

**ALL WORK MUST COMPLY WITH TOWN OF JACKSON'S SITE DISTURBANCE ORDINANCE 4.1.6**

**HOMEOWNER OR CONTRACTOR MUST NOTIFY THE SELECTMEN'S OFFICE WHEN DRIVEWAY ENTRANCE IS INSTALLED IN ITS FINAL LOCATION TO RECEIVE A PROPER E-911 ADDRESS**

Application Approved by Road Agent:	Permit Approved By Selectmen:
 Date: <u>8/13/15</u> Road Agent	 Date: _____ Selectmen

**From:** Ed Harvey [edmundharvey@yahoo.com](mailto:edmundharvey@yahoo.com)  
**Subject:** Re: HARVEY - Jackson Select Board Administrative Decision Appeal  
**Date:** August 17, 2024 at 11:01 AM  
**To:** Frank Benesh [frank\\_benesh@alum.mit.edu](mailto:frank_benesh@alum.mit.edu)



Attached are minutes and a response regarding false egress violations claims brought against me by BOS last year. This does not directly relate to my Administrative Decision Appeal regarding bedroom advertising, but illustrates the BOS administrative procedure of rushing decisions and finding STRs guilty until proven innocent. These dealings last year led directly to the examination of my online ad as communicated by the Town Administrator on May 16, 2024 (attached in previous email regarding bedroom appeal).

For a better understanding of the "no fault" nature the BOS operates under regarding STRs, I ask the ZBA to review the lengthy false discussion the BOS had with the building inspector and Planning Chair Bill Terry regarding loft egress at my property, followed by the quick rescinding of said violation with zero admission of error or fault. This subject was no allowed to be discussed in my July 23 bedroom advertising discussion with BOS.

My property is discussed for 12 minutes starting at 1:01:30 and wrongfully concludes that we were in violation. <https://www.jacksonflicks.com/jackson/selectmen--/2023/april-11th-2023.html>

Two months later the board had a chance to admit some wrong doing and did nothing of the kind at 1:33:56 of this meeting when the violation was rescinded. <https://www.jacksonflicks.com/jackson/selectmen--/2023/june-13th-2023.html>.

Thank you again for reviewing my case.

Ed Harvey  
781-789-1032

On Saturday, August 17, 2024 at 10:50:41 AM EDT, Ed Harvey <[edmundharvey@yahoo.com](mailto:edmundharvey@yahoo.com)> wrote:





Attached is the original building permit application for 7 Balsam Dr.

On Saturday, August 17, 2024 at 10:42:46 AM EDT, Ed Harvey <[edmundharvey@yahoo.com](mailto:edmundharvey@yahoo.com)> wrote:

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Thank you again for reviewing my submission. I will send electronic copies of the submission in pieces to avoid any file size overloads. Attached is my appeal application and related violations from the Select Board.

Ed Harvey  
781-789-1032

<p><b>4.11.2023_-_bos_minutes - egress violation established...</b></p> 	<p><b>5.9.2023_-_bos_meeting_minutes - tow...</b> 77 KB</p> 
<p><b>5.23.2023_-_bos_minutes - town has yet to look in record...</b></p> 	<p><b>6.13.2023_-_bos_minutes - egress violation rescinded.pdf</b></p> 

26 KB

61 KB

**LT Town of Jackson 5-2-23 re  
Edmund and Heather Harvey ...**



75 KB

Frank DiFruscio \_\_\_\_\_

Barbara Campbell \_\_\_\_\_

Robert Thompson \_\_\_\_\_

**Selectmen's Meeting Minutes  
April 11, 2023  
Unofficial Until Approved**

Present: Frank DiFruscio, Chairman, Barbara Campbell, Selectmen and Bob Thompson, Selectmen.

Attendees: Caitlin Straus-Bowers, Daymond Steer, Ken Kimball, Emily Benson, Bill Terry, Ben Halcyon, Gary Allen, Deb Holcomb, Jerry Dougherty, Kevin Bennett, Building Inspector, Julie Atwell, Town Administrator and Hank Benesh.

**1. Frank DiFruscio called the meeting to order.**

**2. The Pledge of Allegiance was recited.**

**3. Chairman Selection:**

**Barbara Campbell made a motion to nominate Frank DiFruscio to remain as Chairman for the next year, seconded by Bob Thompson. All approved.**

**4. Approval of Minutes:**

a. Selectmen's Regular Meeting - February 28, 2023

**Chairman DiFruscio made a motion to approve the minutes, seconded by Barbara Campbell (with the understanding that Frank was the only remaining Selectmen who was at the February 28<sup>th</sup> Meeting. Barbara was unable to attend and John Allen, who was at the meeting, is no longer Selectmen. Barbara read through the minutes and had no questions). All approved.**

**5. For Selectmen Discussion and/or Motions:**

a. EOP Update - Final Adoption

Emily is still working on finalizing a few items within the EOP, such as the MOU between the Whitney Center and the Library to serve as shelters in an Emergency. Emily has also had a few residents register as volunteers to help if a shelter is needed. A volunteer list needs to be maintained per Primex's requirements.

Emily will be attending the Senior Expo which is being held at the Whitney Center on April 12th. Barbara Campbell added that as a result of the Facilities Committee survey, which indicated that people wanted more senior services in Jackson. The Expo is going to try to address what services are available.

**Bob Thompson made a motion to adopt the Final EOP, seconded by Barbara Campbell. All approved.**

b. Jackson Eastside Walk Foundation – Ben Halcyon

Ben would like to get permission to restore the Eastside Walk pathway, which was washed out during Hurricane Irene. The work should take about two weeks, and will be done between Memorial Day and the 4<sup>th</sup> of July. There needs to be a staging area near the fire pond. There will be about five loads of gravel. They will keep the fire access clear, and will keep the fire pond open for kids fishing.

**Chairman DiFruscio made a motion that Jackson Eastside Walk foundation get started when they get started, seconded by Barbara Campbell. All approved.**

c. Conservation Commission – Ken Kimball

Ken would like to request that the Conservation Commission work with the Highway Department on two separate projects. The first one is clearing the stump dump and turning that into additional parking, and the second is to help install updated, more aesthetically pleasing, no parking signs at the Jackson Falls.

Ken also mentioned that he has been working, as a member of the Facilities Committee - Sub Committee, on the Trails that are in Jackson. The list will allow people to get to other sites that have the trail information. This will be added to the Town website when it is completed.

d. Short Term Rental Application – Revision

The STR application has been revised to include a requirement for those who are limited to 30 rentals per year. These owners must now supply a rental list in January for the rentals that they had the pervious year which shows that they did not exceed the 30 allowable rentals. There was discussion on what the violation would be if the rentals exceed the 30 rental limit. Daymond Steer from the Conway Daily Sun asked some questions for clarification.

**Chairman DiFruscio made a motion that we send this letter an accept this as part of what we should be doing for our zoning ordinance and regarding STR, seconded by Barbara Campbell. All approved.**

e. Updated Personnel Policy

The updates to the policy are just housekeeping updates, which have also been reviewed by Town counsel.

**Barbara Campbell made a motion to approve the changes to the personnel policy, seconded by Bob Thompson. All approved.**

f. Police Donation

**Bob Thompson made a motion to accept the \$100 donation to the Police Department, seconded by Barbara Campbell. All approved.**

g. Board/Library Appointments – (need signatures)

**Barbara Campbell made a motion to appoint, Dick Bennett, Planning Board (Regular Member replacing Chris McAleer), Jerry Dougherty, Planning Board (Alternate Member), Frank Benesh, Zoning Board of Adjustment (Regular Member), Dave Mason, Zoning Board of Adjustment (Regular Member), Joanne Driscoll, Library Alternate Trustee, Stan Kaubris, Library Alternate Trustee, seconded by Bob Thompson. All approved.**

h. Trustees of Trust Funds - Withdrawal & Funding requests

**Chairman DiFruscio made a motion to withdraw \$1,909.00 from the Mark Hammer Police Department Fund (0073) Order Number 376019 / Dated 2.21.2023 / for Heartsmart.com, seconded by Bob Thompson. All approved.**

**Chairman DiFruscio made a motion that we transfer the funds listed to the Trustees, seconded by Bob Thompson. All approved.**

Description and Account	Article	Amount
Police Department Equipment ETF (0051)	5	\$ 3,000
Fire Department ETF (0046)	5	\$20,000
Meloan Ground Water ETF (0071)	5	\$10,000
Town Office Equipment EFT (0047)	5	\$ 5,750
<b>Total</b>		<b>\$38,750</b>

i. Raffle Permit

This Permit is to be used to obtain Town approval when a raffle event will lasts longer than 24 hours.

**Chairman DiFruscio made a motion that we put this in our bag of tricks, the raffle permit, seconded by Barbara Campbell. All approved.**

j. North Country Angler (kid's pond)

**Barbara Campbell made a motion to approve the fishing day for North Country Anglers, seconded by Bob Thompson. All approved.**

k. Report of Cut – R30-15A

**Bob Thompson made a motion that we accept the report for the timber cut, seconded by Barbara Campbell. All approved.**

l. Valley Cross Road Bridge Loan – Mascoma Bank

**Barbara Campbell made a motion to sign the Valley Cross Road Bridge Loan Document, seconded by Bob Thompson. All approved.**

m. Dundee Road Bridge

This bridge has been red flagged by DOT. They would like to know if the Town would like this bridge to participate in the State Aid Bridge Program, with the State paying 80% and the Town paying 20%. This

project would be replaced somewhere between 2027 and 2032. The estimate for the Town's portion is \$199,200.

**Bob Thompson made a motion that we start the process to get the Mill Street Bridge into the State's program list, seconded by Barbara Campbell. All approved**

n. Vet Credit

**Barbara Campbell made a motion to accept the application for the vet credit, seconded by Bob Thompson. All approved.**

o. Extended Liquor License Request - Wentworth

**Barbara Campbell made a motion to extend the liquor license for the Wentworth, seconded by Bob Thompson. All approved.**

Pending:

a. Facilities Committee

Barbara Campbell wanted to again remind everyone about the Senior Expo, which is being held at the Whitney Center tomorrow from 4-6 pm. There will be snacks and beverages. Please pass along this information to anyone who may be interested. Also, the subcommittees are working on trails, signage, parking and Gray's Inn Garage as a result of the survey information collected.

b. Approval for additional Port-a-Potty

There was discussion on having two year round port-a-potties and two seasonally. We will reach out to the Historical Society for input in addition to the Conservation Committee.

## **6. Short Term Rentals - Applications for approval**

a. New permits: None

b. Violations:

i. Owner: Harvey; 7 Balsam Drive

This violation is in reference to an egress issue, and there was discussion regarding that.

**Barbara Campbell made a motion to send a first violation notice, seconded by Bob Thompson. All approved.**

ii. Owner: Kimball; 13 Tucker Lane

The Kimballs have contacted the office. They were unaware that they needed a Conditional Use Permit. They are sending it in right away, so no violation notice will be sent.

iii. Owner: Malloy; 31 Heard Road

**Barbara Campbell made a motion to file a first violation notice for operating a Short Term Rental without a Conditional Use Permit, seconded by Bob Thompson. All approved.**

c. Pending:

i. Owner: Holcomb, 12 Middle Mtn Trail

This property was advertising for more people than allowed, but the advertisement has been corrected, so there is no longer a violation.

**7. Building & Driveway Permits:**

FYI – Approved Building Permits:

NUMBER	OWNER	MAP/LOT	ADDRESS	PROJECT DESCRIPTION
2023-11	Curran	R30 Lot 3	Town Hall Rd	New single family home 6,293 sq ft, 5 bds, 7 ba
2023-12	AE Wentworth LLC	V02 Lot 10G	1 Carter Notch Rd	“Arden” repairs from water damage
2023-13	McNeil	V10 Lot 106	271 Tin Mine Rd	Foundation only - Garage
2023-14	Barringer	R12 Lot 143-1	413 NH RT 16	Remodel 4 existing bathrooms
2023-15	Berthelette	V04 Lot 34-15	38U1 Meadow Lane	Remodel kitchen, baths, add closet
2023-16	Pratt	V01 Lot 47	21 Main St	Install mini-split
2023-17	Christmas Farm Inn	V08 Lot 23	19 Blitzen Way	New roof on barn venue
2023-18	Keller	V02 Lot 10-19A	13A Chipper Point Rd	Egress windows (rental property)
2023-19	Jackson	R18 Lot 01	834 Carter Notch Rd	Solar panels on roof
2023-20	Mallett Corp	R13 Lot 29	49 NH RT 16	Sign permit: Replace sign at restaurant
2023-21	Legare	R08 Lot 10-2	47U2 Dana Place Rd	Demolish exterior chimney
2023-22	Meserve	V09 Lot 20	15 Thorn Hill Rd	Solar panels on roof
2023-23	Gothie	R30 Lot 10	683 Dundee Rd	New roof
2023-24	Badger	R17 Lot 20A	33 Chesley Farm Rd	Bathroom remodel
2023-25	Maloberti	R08 Lot 44	753 Carter Notch Rd	Kitchen remodel

FYI – Approved Driveway Permits: N/A

**8. Upcoming meetings:**

- Tuesday, April 25<sup>th</sup> at 3:30pm
- Tuesday, May 9<sup>th</sup> at 3:30pm

- Tuesday, May 23<sup>rd</sup> at 3:30pm

## **9. Public Comment**

There was discussion on what water tests were required for the old Melloon Dump. Kevin Bennett was interested to see if the same things were tested as they are for well water tests. Kevin said that it is recommended to get your well water tested every two years. You can get a kit to send in.

Daymond Steer continued discussion on the updated short term rental application.

## **10. Adjourn Selectmen's Meeting:**

**A motion was made to adjourn the meeting. All approved.**

Respectfully Submitted by:  
Erik Atwell

**To view the full video recording of this meeting visit [www.jacksonflicks.com/Jackson](http://www.jacksonflicks.com/Jackson)**

Frank DiFruscio \_\_\_\_\_

Barbara Campbell \_\_\_\_\_

Robert Thompson \_\_\_\_\_

**Selectmen's Meeting Minutes  
May 9, 2023  
Unofficial Until Approved**

Present: Frank DiFruscio, Chairman, Barbara Campbell, Selectmen, and Robert Thompson, Selectmen.

Attendees: Daymond Steer, Rob Reiners, Julie Atwell, Town Administrator, Julie Hoyt, Administrative Assistant and Hank Benesh.

**1. Frank DiFruscio called the meeting to order.**

**2. The Pledge of Allegiance was recited.**

**3. Approval of Minutes:**

a. Selectmen's Regular Meeting – April 25, 2023

**Barbara Campbell made a motion to approve the minutes as written, seconded by Chairman DiFruscio. All approved.**

**4. For Selectmen Discussion and/or Motions:**

a. Department Liaisons

The Selectmen reviewed the list of Departments and discussed who would be the liaison to each department for the current year.

b. Designate Selectmen's Rep to Planning Board

**Barb made a motion to appoint Frank as the Selectmen's representative to the Planning Board, seconded by Bob Thompson. All approved.**

c. Scrap Metal Agreement

This is the annual contract between Roger Labbe and the Bartlett Jackson Transfer Station.

**Bob Thompson made a motion to accept the scrap metal agreement, seconded by Barbara Campbell. All approved.**

d. Trustees of the Trust Funds – Funding and Withdrawal

**Barbara Campbell made a motion to accept and approve the funding as shown below, seconded by Bob Thompson. All approved.**

The Jackson Selectmen authorize the transfer of \$75,000 to be deposited into the Capital Reserve Funds and the Expendable Trust Funds per the warrant articles listed below:

<b>Description and Account</b>	<b>Article</b>	<b>Amount</b>
Transfer Station ETF (0028)	5	\$5,000
State Aid Reconstruction ETF (0058)	5	\$5,000
Bridge Repair ETF (0034)	5	\$15,000
Fire Department ETF (New)	6	\$50,000
<b>Total</b>		<b>\$75,000</b>

**Chairman DiFruscio made a motion to approve the withdrawal request as shown below, seconded by Barbara Campbell. All approved.**

The Board of Selectmen are requesting the following withdrawals from the Trust Funds as indicated below:

\$20,900 from the Fire Department Equipment Expendable Trust Fund (0046)

- Invoice Number 212700 / Dated 4.13.2023 / Fire Tech & Safety of New England

\$2,596.35 from the Police Department Expendable Trust Fund (0051)

- Invoice INUS152616 / Dated 4.19.23 / Axon Enterprise, Inc.

\$1,780.27 from the Fire Department Maintenance Expendable Trust Fund (New)

- Invoice 815965 / Dated 3.30.23 / White Mountain Lumber

e. Planning Board Resignation

The Selectmen wanted to thank Huntley Allen for his years of service on the Planning Board.

**Bob Thompson made a motion to accept Huntley Allen’s resignation from the Planning Board, seconded by Barbara Campbell. All approved.**

f. Bartlett-Jackson Ambulance – New Ambulance

At the last ambulance meeting there was discussion on ordering a new ambulance with no financial commitment until and if it were approved at a town meeting through a warrant article. The cost should be half of approximately \$250,000. The ambulance will take two or three years to get from the time it is ordered. If the Town votes no, the ambulance will just go to someone else.

**Barbara Campbell made a motion to sign the letter to authorize the Bartlett Jackson Ambulance to order a new ambulance, seconded by Chairman DiFruscio. All approved.**

g. Historical Curtain/Tapestry

The Historical Society is leading an effort to apply for a grant to restore and move this tapestry that is actually Town owned.

**Bob Thompson made a motion to approve and allow the Historical Society to apply for this grant on behalf of the Town, seconded by Barbara Campbell. All approved.**

**Pending:**

- a. Facilities Committee - N/A
- b. Designate 1 Alternate to the Carroll County Communications District

This item is still pending. An alternate is still needed. Bob Thompson said that he may be able to occasionally fill in for Frank if he was not able to attend, but could not commit to more than that.

**5. Short Term Rentals - Applications for Approval:**

- a. New permits - N/A
- b. Violations - N/A
- c. Pending
  - i. Owner: Harvey; 7 Balsam Drive - This is still pending. Town Counsel is reviewing the response that was submitted.
  - ii. Owner: Malloy; 31 Heard Road - This is still pending. They have 30 days to respond to this violation notice.
  - iii. Owner: Burr; 398 Black Mountain Road

The Selectmen made a motion to amend the earlier approval from a 3 bedroom to a 4 bedroom. The Town Assessor was able to verify this.

**Chairman DiFruscio made a motion to approve the CUP as a 4 bedroom STR, seconded by Bob Thompson. All approved.**

**6. Building & Driveway Permits:**

FYI – Approved Building Permits

NUMBER	OWNER	MAP/LOT	ADDRESS	PROJECT DESCRIPTION
2023-34	HOYT	V09 Lot 05-1	118 Switchback Way	Renew permit for garage and breezeway
2023-35	GARDNER	R17 Lot 20B	76 Chesley Farm Rd	Roof mounted solar array (15) 490kw
2023-36	CHRISTMAS FARM INN	V08 Lot 23	3 Blitzen Way	Replace emergency generator
2023-37	CONNOLLY	R12 Lot 162	12 Abbott Way	New deck, windows, kitchen counters, appliances
2023-38	DOUCETTE	R14 Lot 3	46 NH Rt 16	Install mini splits
2023-39	SUKIS	V04 Lot 34-12	18-2 Checkerberry Ln	Window replacements

2023-40	OLSON	V04 Lot 34-14	32U2 Meadow Ln	Window replacements
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FYI – Approved Driveway Permits: N/A

**7. Upcoming meetings:**

- Tuesday, May 23rd at 3:30pm
- Tuesday, June 13th at 3:30pm
- Tuesday, June 27th at 3:30pm

**8. Public Comment:**

Bob Thompson asked to have the Fire Department added to the Agenda, so that he could get up to speed and have discussion as a Select Board regarding the facility and what should be done with the building, repair or rebuild.

Daymond Steer asked a few questions about Short Term Rentals.

There was discussion on what should happen during the public comments. Should there be back and forth discussion with the Selectmen, or should a comment be made with no response? This is written on the agenda: Comments should be short and to the point. Please note that the Board will not respond to comments as it is not a “question and answer session”. No person shall disrupt the proceedings of a meeting. It was determined that further discussion on this topic may be necessary.

**9. Non-Public Session: N/A**

**10. Adjourn Selectmen’s Meeting:**

**Frank DiFruscio made a motion to adjourn the meeting, seconded by Barbara Campbell. All approved.**

Respectfully Submitted by:  
Erik Atwell

**To view the full video recording of this meeting visit [www.jacksonflicks.com/Jackson](http://www.jacksonflicks.com/Jackson)**

Frank DiFruscio \_\_\_\_\_

Barbara Campbell \_\_\_\_\_

Robert Thompson \_\_\_\_\_

**Selectmen’s Meeting Minutes  
May 23, 2023  
Unofficial Until Approved**

Present: Frank DiFruscio, Chairman, Barbara Campbell, Selectmen, and Robert Thompson, Selectmen.

Attendees: David Campbell, Daymond Steer, Fred Tompkins, Kevin Bennett, Jay Henry, Bill Terry, Julie Atwell, Town Administrator, Julie Hoyt and Hank Benesh.

**1. Frank DiFruscio called the meeting to order.**

**2. The Pledge of Allegiance was recited.**

**3. Approval of Minutes:**

a. Selectmen’s Regular Meeting – May 9, 2023

**Chairman DiFruscio made a motion to approve the minutes as written, seconded by Barbara Campbell. All approved.**

**4. For Selectmen Discussion and/or Motions:**

a. Tax Warrant

**Bob Thompson made a motion to accept and sign the Tax Warrant, seconded by Barbara Campbell. All approved.**

Barbara Campbell wanted to praise the Tax Collector’s Office for the great job they do in collecting Town taxes.

b. Fire Department

Chairman DiFruscio wanted to mention the passing of Gordon Lang, a long time volunteer (almost 50 years) with the fire department. He was also a fire warden, and was involved with the Bartlett Jackson Ambulance.

The Selectmen would like to start having discussions regarding the fire station and its replacement or renovation. They would like to get information out to the public, and would like residents to participate in the discussions. Bob Thompson would also like the Selectmen to present the Board’s best idea to the voters, once they have weighed out all of the options. Barbara said that it may be difficult for the Board to present one idea, since there are currently different viewpoints. Chief Henry thinks that everyone should look at a new station and not be afraid of the price. He feels that in the long run it makes the most sense. Barbara would like to have residents participate in discussions now rather than wait until Town

Meeting. Barbara also mentioned that the Planning Board will be able to contribute to the conversation since they are currently working on an updated Capital Improvement Plan. Information will be sent out to e-news and posted so that residents can start to get some summary information regarding rebuilding vs. renovation options. Bill Terry touched on the options that he has discussed with Jay; fixing, replacing and replacing in a new location. Barbara is going to produce a list of pros and cons of the three options for discussion at the next meeting. Chief Henry said that he previously did not feel ready to support a new station because the information was not ready to be presented. He now feels that a new fire station is the best choice. The Selectmen and Chief Henry would like as much discussion and input on this topic as possible now so that an informed decision can be made at Town Meeting.

Chief Henry added that the fire pond has been fixed. It had washed out. There was also a fire in Bartlett that Jackson assisted with. Chief Henry said to be careful when grilling. There are often house fires caused by grills located too close to your house. He said that people leave the grill and go inside. They are unaware that the house has caught fire, and when they open the door to go see it, the fire immediately spreads inside the house.

c. EMD – Emily Benson – Whitney Community Center MOU

This will allow the Whitney Center to be used by the Town as an Emergency Shelter if necessary.

**Barbara Campbell made a motion to approve the MOU, seconded by Bob Thompson. All approved.**

d. FYI – Run the Whites – August 11<sup>th</sup>

This is an annual running race that will take place on August 11<sup>th</sup> in Jackson. Chief Perley approved the application.

e. FYI – Extended Liquor License – Eagle Mountain House

**Chairman DiFruscio made a motion to approve the Extended Liquor License, seconded by Barbara Campbell. All approved.**

f. Designate 1 Alternate to the Carroll County Communications District

**Barbara Campbell made a motion to appoint Bill Terry as the alternate to the Carroll County Communications District, seconded by Bob Thompson. All approved.**

g. Report of Cut – Map R17 Lot 43

**Bob Thompson made a motion to approve the Report of Cut, seconded by Frank DiFruscio. All approved.**

h. Trustees of the Trust Funds – Withdrawal

**Bob Thompson made a motion to approve the withdrawal request as shown below, seconded by Barbara Campbell. All approved.**

The Board of Selectmen are requesting the following withdrawals from the Trust Funds as indicated below:

\$54,000 from the Highway Truck Capital reserve Fund (0048) - Invoice Number 8489344 / Dated 4.28.2023 / HP Fairfield, LLC

\$3,373 from the Mark Hammer Police Department Fund (0073) - Invoice Number INV087897 / Dated 4.24.2023 / Ossipee Mountain Electronics, Inc.

**Pending**

a. Facilities Committee

David Campbell, part of the sub-committee for Grays Inn Garage, presented three options to the Selectmen. Option one was to do minimal repairs, option two was to replace the siding and several other upgrades to improve the visual appearance of the building, and option three was to tear it down. It was determined that the structure was sound, so the consensus was to look at option two in more detail. The committee will get some costs and report back.

**Bob Thompson made a motion to look further into option two as the most viable option, seconded by Barbara Campbell. All approved.**

**5. Short Term Rentals - Applications for Approval:**

a. New permits: Owner: Kimball, 13 Tucker Lane, R09 Lot 13

**Barbara Campbell made a motion to approve the Kimball, 13 Tucker Lane, Short Term Rental, seconded by Bob Thompson. All approved.**

b. Violations - N/A

c. Pending

i. Owner: Harvey; 7 Balsam Drive - Still pending

ii. Owner: Malloy; 31 Heard Road - Still pending

**6. Building & Driveway Permits:**

FYI – Approved Building Permits

NUMBER	OWNER	MAP/LOT	ADDRESS	PROJECT DESCRIPTION
2023-41	CHRISTMAS FARM INN	V08 L23	3 Blitzen Way	Replace door/alter roof slope/trim siding repair
2023-42	PRINCE	V06 L31	43 Grover Rd	Attached garage

FYI – Approved Driveway Permits: N/A

**7. Upcoming meetings:**

Tuesday, June 13th at 3:30pm

Tuesday, June 27th at 3:30pm

## 8. Public Comment:

### a. Discussion on press access

The Selectmen had further discussion on how they would like to handle public comments and to decide if they wanted to allow press to have an opportunity to ask questions during this time. Barbara Campbell and Bob Thompson like the policy as it is currently written:

*Comments should be short and to the point. Please note that the Board will not respond to comments as it is not a, "question and answer session." No person shall disrupt the proceedings of a meeting.*

They both feel that there are plenty of opportunities to ask questions and get answers without changing the way the meetings are run.

Chairman DiFruscio would like to allow the press to ask questions and get answers from the Selectmen during public comments, but he did say that he has always followed the majority vote of the Board.

Bill Terry added that he doesn't think the press should have more rights during public comments than those of residents of the Town. He agrees that the Selectmen are accessible outside of meetings.

Daymond Steer added a few additional comments regarding the proposed fire station and public comments.

Chairman DiFruscio mentioned that there will be a public hearing on June 8<sup>th</sup> at 5:30pm in Bartlett to discuss changing the hours at the Bartlett / Jackson Transfer Station. The proposed hours at Monday, Tuesday and Friday 12pm-6pm and Saturday and Sunday 10am-4pm

## 9. Non-Public Session (if applicable): N/A

## 10. Adjourn Selectmen's Meeting:

**Frank DiFruscio made a motion to adjourn the meeting, seconded by Barbara Campbell. All approved.**

Respectfully Submitted by:  
Erik Atwell

To view the full video recording of this meeting visit [www.jacksonflicks.com/Jackson](http://www.jacksonflicks.com/Jackson)

Frank DiFruscio \_\_\_\_\_

Barbara Campbell \_\_\_\_\_

Robert Thompson \_\_\_\_\_

**Select Board Meeting Minutes  
June 13, 2023  
Unofficial Until Approved**

Present: Frank DiFruscio, Chairman, Barbara Campbell, Selectmen, and Robert Thompson, Selectmen.

Attendees: Majka Burhardt, Linda Terry, Darlene Ference, Peter Benson, Deirdre Braun, Fred Tompkins, Kevin Bennett, Building Inspector, Jay Henry, Fire Chief, Julie Atwell, Town Administrator, Julie Hoyt, Administrative Assistant, and Hank Benesh.

**1. Frank DiFruscio called the meeting to order.**

**2. The Pledge of Allegiance was recited.**

**3. Approval of Minutes:**

a. Select Board’s Regular Meeting – May 23, 2023

**Barbara Campbell made a motion to approve the minutes as written, seconded by Bob Thompson. All approved.**

**4. For Select Board Discussion and/or Motions:**

a. Select Board Naming – Majka Burhardt

Majka asked the Select Board if they would consider referring to themselves as Select Board rather than Selectmen. There was discussion, and it was decided that they would make every effort to use the term Select Board, but no motion was made.

b. Library – Linda Terry

Linda explained that the Library needs to replace the heat pump/air conditioner. There was an infestation of mice, which destroyed the current one. She would like the town to pay for a new one since it is a town building. The cost for the heat pump/air conditioner was quoted at \$8,500 (Linda is trying to get more quotes). There was discussion on where the funds could come from. It was decided through this conversation that there is a need for a trust fund account to be set up at the next town meeting to cover unexpected town building costs. Linda is going to talk to the Friends of the Library, who should be able to cover some of the cost, and she will also contact New Hampshire Electric who offer a rebate for these projects. The Select Board will finalize this request at the next meeting once more information has been provided.

c. Highway Dept Updates

Gary spoke about the need for a cover over the sand pile and the time that it would save during each winter storm. Gary said the cost would be around \$200,000. Coleman’s said they did have interest in this project. The Select Board agreed that this would be a good project to plan for.

Gary also discussed the difficulties he is having trying to hire anyone for the Highway Department. He said that the town wages are too low. He spoke to several people about why they did not want to work for the town, and the response was that they were making more money and getting the same benefits. There was further discussion on what might be needed to hire more employees. Wages is the number one issue. Chief Henry added that the State will continue to pay a portion of health insurance for retirees, which is a big benefit.

d. EMD – Library MOU

Emily Benson reviewed the MOU with the Library, establishing a secondary emergency shelter in town if ever needed. Darlene Ference wanted to add that Emily has done a great job getting this set up.

**Barbara Campbell made a motion to sign the Library MOU for the emergency plan, seconded by Bob Thompson. All approved.**

e. Fire Station Updates

Chief Henry continued to review plans for a new fire station. He discussed different grants that could be looked into, and found some will not be a fit for Jackson. Emily said that one grant that might be an option is not yet available, and might not be until 2024. There may also be loans that are very low interest (less than a bond bank). Chief Henry discussed the proposed size of a new station. He said it is a bare bones minimum size. The cost was discussed, and it should be lower than the previous quote of 5.7 million. Chief Henry is going to revisit the old tennis court site (the current Library parking lot) as a possible location. He is meeting with the same builder for Conway and Twin Mountain to discuss options. The excavation cost for that area would be much lower than the current location, (around a half a million dollars less). Chief Henry reviewed a pros and cons list that he created. Chief Henry would like to have public meetings so the public can voice their opinions on the proposed fire station. Barb said that we need real numbers in order to discuss the tax impact to residents. A survey could be a good option. Getting information out to everyone is a big priority.

Bob Thompson discussed other fire department issues; the fire pond repair, and regular maintenance of the current station.

f. Trustees of Trust Funds – Funding and Withdrawal

**Barbara Campbell made a motion to approve the transfer into the Capital Reserve Funds as listed below, seconded by Bob Thompson. All approved.**

The Jackson Selectmen authorize the transfer of \$53,000 to be deposited into the Capital Reserve Funds and the Expendable Trust Funds per the warrant articles listed below:

Description and Account	Article	Amount
Bartlett / Jackson Ambulance (0070)	4	\$ 50,000
Revaluation of Town Property (0004)	4	\$3,000

<b>Total</b>	<b>\$53,000</b>
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**Bob Thompson made a motion to approve the withdrawals from the Trust Funds as listed below, seconded by Barbara Campbell. All approved.**

The Board of Selectmen are requesting the follow withdrawals from the Trust Funds as indicated below:

\$3,800.50 from the Dry Hydrant Expendable Trust Fund (0049)

- Invoice Number 464263/ Amount \$1,650.00 / Dated 5.20.2023 / FF&J, Inc.
- Invoice Number 141345 / Amount \$886.00 / Dated 5.9.2023 / Water Industries, LLC.
- Invoice Number 68411 / Amount \$852.00 / Dated 5.12.2023 / Alvin J. Coleman & Son, Inc.
- Invoice Number 4055 / Amount \$412.50 / Dated 5.15.2023 / Glen Aggregates, LLC

\$3,359.14 from the Fire Department Maintenance Expendable Trust Fund (0075)

- Invoice Number 2931 / Amount \$1,223.26 / Dated 6.3.2023 / Tierney Electrical Contracting, LLC
- Invoice Number 2933 / Amount \$2,135.88 / Dated 6.3.2023 / Tierney Electrical Contracting, LLC

g. MWV Economic Council – Appoint Rep and Alternate

**Chairman DiFruscio made a motion to reappoint Scott Badger as the representative to the MWV Economic Council, seconded by Barbara Campbell. All approved.**

**Barbara Campbell made a motion to appoint Frank DiFruscio as the alternate to the MWV Economic Council, seconded by Bob Thompson. All approved.**

h. Extended Liquor License – Wentworth Golf Club

**Barbara Campbell made a motion to approve the extended liquor license request from the Wentworth, seconded by Bob Thompson. All approved.**

i. Cemetery Lot Agreement

**Bob Thompson made a motion to approve the two cemetery lot agreements for lots 882 and 883, seconded by Barbara Campbell. All approved.**

j. Intent to Cut

**Chairman DiFruscio made a motion to approve the intent to cut for Map R30 Lot 17 seconded by Bob Thompson. All approved.**

*Pending:*

a. Facilities Committee - There was nothing to report.

**5. Short Term Rentals:**

a. New permits - Owner-Lippmann, 39 Green Hill Road, R09 Lot 13

**Barbara Campbell made a motion to approve the Lippmann’s Agreement, seconded by Bob Thompson. All approved.**

b. Violations - N/A

c. Pending

i. FYI - Owner-Harvey, 7 Balsam Drive – Violation Rescinded.

ii. Owner-Malloy, 31 Heard Road, R31 Lot 7

There was discussion on how to proceed with this second notice. They did get the first violation notice because the certified letter acknowledgment card was signed and returned. The Board would like to include a letter explaining that there is a daily penalty for this violation that is accruing. Barbara will also call them to explain the situation.

**Barbara Campbell made a motion to send a second violation notice with a fine of \$275, seconded by Bob Thompson. All approved.**

**6. Building & Driveway Permits (FYI):**

*FYI – Approved Building Permits*

NUMBER	OWNER	MAP/LOT	ADDRESS	PROJECT DESCRIPTION
2023-43	Marcotte	V01 Lot 14	58 Green Hill Rd	Renew permit/addition/garage/remodel
2023-44	McCarthy	V02 Lot 42	36 Carter Notch Rd	Replace windows, remove deck
2023-45	Christmas Farm	V08 Lot 23	3 Blitzen Way	Replace outdoor pool heater
2023-46	Moore	V4 Lot 34-5	4U03 Winterberry Ln	Replace windows , sliding glass doors
2023-47	Trenoweth	R12 Lot 51	65 Ridge Road	Turn existing deck to screened porch
2023-48	Hyde	R08 Lot 11E-3A	14UA Ellis River Rd	Remodel bathroom
2023-49	Lebel	V07 Lot 116	93 No Hampshire Ridge	Renew permit for New House
2023-50	Wrigley	V04 Lot 08	Sugar Hill Lane	New 3 bedroom, 3 bath home, 2200 sq ft
2023-51	Miller	R17 Lot 23	64 Chesley Farm Rd	Partial Demo of cabin (walls and roof)
2023-52	Miller	R17 Lot 23	64 Chesley Farm Rd	Rebuild cabin, 2 bd 32’x32’ home with garage
2023-53	Coletti	V09 Lot 10	16 Snowplow Turn	Generator

Building Inspector Kevin Bennett updated the Select Board about an issue at the Eagle Mountain House - Carriage House. The wrong doors are in place causing a life safety issue. The doors should not have a deadbolt. Chairman DiFruscio will go to the Eagle Mountain House with Kevin and Chief Henry to have a meeting with them.

*FYI – Approved Driveway Permits: Owner-Wrigley, Sugar Hill Lane, Map V04 Lot 8*

**7. Upcoming Meetings:**

- Tuesday, June 27<sup>th</sup> at 3:30pm

- Tuesday, July 11<sup>th</sup> at 3:30pm

**8. Public Comment:**

There were no public comments.

**9. Non-Public Session (if applicable): N/A**

**10. Adjourn meeting:**

**Frank DiFruscio made a motion to adjourn the meeting, seconded by Barbara Campbell. All approved.**

Respectfully Submitted by:  
Erik Atwell

To view the full video recording of this meeting visit [www.jacksonflicks.com/Jackson](http://www.jacksonflicks.com/Jackson)



ATTORNEYS AT LAW

May 2, 2023

MATTHEW R. JOHNSON  
TEL: 603.695.8727  
MJOHNSON@DEVINEMILLIMET.COM

Town of Jackson  
P.O. Box 268  
Jackson, N.H. 03846

**Re: First Warning Violation to Edmund and Heather Harvey**

To Whom It May Concern:

I am counsel to the Mt. Washington Valley Association for Responsible Vacation Rentals, whose members include Edmund and Heather Harvey. They have asked me to respond to the short-term rental violation - first warning letter they received from the Town of Jackson dated April 11, 2023.

First, I must request that the violation notice be rescinded and removed from my clients' property file. The notice of violation is completely inaccurate. The violation is predicated on an alleged egress issue relative to a window. The Town based this conclusion by looking at only certain photographs that do not show the entirety of the property. Had the Town merely looked at the assessor's office file it would know that egress through a window does exist. For this reason, there is no good faith basis for the violation and it needs to be rescinded and removed from my clients' property file.

Beyond that, my clients dispute the validity of the Jackson short-term rental ordinance. This ordinance appears to exceed the authority granted to Jackson from a zoning perspective. It imposes access requirements that are in violation of New Hampshire law because access to a single-family residential structure requires an administrative warrant. Also, this ordinance violates the general concept of grandfathering well established in New Hampshire law and contained in Jackson's own Zoning Ordinance at Sections 2.2 and 3.27. My clients have been using the property in the same manner well before the zoning ordinance was passed. The zoning ordinance cannot be applied retroactively to pre-existing uses of the property. Finally, I am aware of no authority in New Hampshire law that would allow a town to arbitrarily limit the number of events or activities as part of the zoning ordinance.

For these reasons, the notice of violation should be rescinded for the Harveys based on the factual inaccuracy that provides the basis for the notice. In addition, the Town lacks the legal authority to enforce the short-term rental ordinance against the Harveys because their property is grandfathered. Any attempt by the Town of Jackson to do so in the future, will be met with an appropriate response.

Town of Jackson  
May 2, 2023  
Page 2

If you have any questions about this letter, please call me directly at (603) 695-8727. In the meantime, please send me an email at [mjohnson@devinemillimet.com](mailto:mjohnson@devinemillimet.com) or a letter confirming that this notice of violation has been rescinded and removed from my clients' property file.

Sincerely,

*/s/ Matthew R. Johnson*

Matthew R. Johnson

MRJ:dmp