

Town of Jefferson
Office of the Planning Board

Minutes

August 13, 2013

Members present: Chairman Susan Griffin, Jason Call, alternate; Gordon Rebello, Michael Meehan, Vernon Matson, Jeff Young, Charles Muller

Absent: Donna Laurent, alternate; Kevin Meehan, Selectmen's representative

Others present: Charlene Wheeler, Board secretary; Mr. and Mrs. Wayne Lieberum

Minutes

Jeff Young made the motion to approve the minutes of the July 23, 2013 meeting as read, seconded by Gordon Rebello. The vote to accept the motion was unanimous.

Unfinished Business – Liberum Subdivision

Wayne Lieberum came to the meeting to discuss the installation of utilities in his six lot subdivision on Stag Hollow Road. The subdivision was approved in 2008 but utilities which are required to be installed underground have not yet been installed. Other required improvements including a bridge and road have been completed and approved. A letter of credit to insure installation of utilities and on file since 2008 (with a 10% increase each year as allowed) is now in the amount of \$15,000. At the time of the subdivision approval this was deemed adequate but now the estimated cost of utility installation is about \$50,000. Because of the economic downturn in 2009, Mr. Lieberum was given six years to complete improvements. This means completion is expected by July of 2014. The current letter of credit will expire in January 2014. Mr. Lieberum said three of the lots have been purchased. Someone is interested in purchasing the remaining three lots but the selling price will depend on how much money he was required to expend on the utilities. He could give the potential buyer a better deal if utilities weren't required. None of the current property owners or the potential buyer want the installation of utilities. Mr. Lieberum asked if lot owners could sign an agreement with the town so that utilities needn't be installed. Couldn't that agreement be written into the deeds of their properties? Chairman Griffin said the time to ask for this change was when approval of the subdivision was being discussed in 2008. Other Board members concurred saying there is no guarantee that future owners of the land wouldn't want utilities and could come back to the town asking for relief. There was also discussion on just how long the Board could extend the time Mr. Lieberum could be given beyond the six year limit under the law and under what conditions or even if this would be legal. There is also concern about the increase in the cost of utility installation and the fact the current letter of credit will only cover a small portion of that amount. Chairman Griffin told Mr. Lieberum the Board will seek advice on how to proceed and would contact him as soon as possible. Mr. Lieberum thanked the Board and he and his wife left the meeting. Board members agreed the town's attorney should be contacted for advice and directed the Board secretary to do so with a copy of the attorney's response sent to the Board Chairman as soon as it is received.

Financial Report

Jeff Young made the motion to accept the financial report, seconded by Charles Muller. The vote to accept the motion was unanimous.

Communications

A copy of a building permit was circulated.
Copies of Selectmen's minutes were circulated.

Unfinished Business, continued

The Selectmen have received a request for an after-the-fact building permit for a lot on a private road. The situation is controlled by a state law, RSA 674:41 which has been explained by the town's attorney. Chairman Griffin reviewed the needed steps with the Board. The Planning Board should hold a public hearing with notice by certified mail to the applicant and all abutters to the property, just as if the applicant was proposing to subdivide the parcel instead of build on it. At the public hearing, the applicant should explain his construction plans, and the Planning Board should consider the physical condition of the private road, how far it is from the nearest Class V or better road, or any other factor the Planning Board may deem relevant. Hearing views of the fire chief, police chief, or road agent may be helpful. After the public hearing is closed, the Planning Board should decide what recommendation they will make to the Selectmen, which may include the Planning Board's suggestions about what kind of improvements should be made to the private road at the applicant's expense, if any. The Planning Board should take a formal vote, and should communicate its recommendation to the Board of Selectmen in writing. The property in question is owned by James Lewis and is located on State Route 116, Map 7, Lot 20B. The private road, a former logging road, is an easement across Lot 20C granted to Mr. Lewis by its owner. The easement connects to Route 116 but there is no evidence a valid driveway permit from the state exists. The Board secretary located the file of the original subdivision approved in December of 1983 but is still trying to locate any relevant minutes. Jason Call said the easement already granted is meaningless. There is no exact location or measurements. A survey should be required, a new plat drawn, approved, and filed showing the right-of-way. During this process it would be helpful to the Board to have an engineer to take a look at the proposed right-of-way and provide information to the Board. Chairman Griffin will contact H.E. Bergeron to inquire if they would be available to do such work. It was decided to schedule another meeting in August on the 27th to continue the discussion. A potential hearing date was set back to September 24 to give the Board more time to gather information.

Jeff Young made a motion to adjourn the meeting, seconded by Michael Meehan. The meeting was adjourned at 8:55 p.m.

Charlene Wheeler
Secretary to the Board