

Town of Jefferson
Office of the Planning Board

Minutes

September 24, 2013

Members present: Chairman Susan Griffin, Donna Laurent, alternate; Michael Meehan, Gordon Rebello, Vernon Matson, Jeff Young, Charles Muller, Kevin Meehan, Selectmen's representative; Jason Call, alternate

Absent:

Others present: Charlene Wheeler, Board secretary, Catherine Lewis, Clare Lewis Ashe, Joseph Ashe, Christopher Milligan, Barry Nelson

Minutes

Jeff Young made the motion to approve the minutes of the September 10, 2013 meeting as read, seconded by Gorden Rebello. The vote to accept the motion was unanimous

James Lewis Hearing

Chairman Griffin said the Selectmen have received a request for an after-the-fact building permit for a lot with frontage on a State Route 116. The situation is controlled by a state law, RSA 674:41 which has been explained to the Board by the town's attorney. The Planning Board is holding 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. After the public hearing is closed, the Planning Board will discuss and decide by a formal vote what recommendations they will make to the Selectmen. The property in question is owned by James Lewis and is located on State Route 116, Map 7, Lot 20B. Instead of direct access from his lot to Rt. 116, Mr. Lewis proposes access to Rt. 116 using an easement, following a former logging road, across Lot 20C. The easement, being granted to Mr. Lewis by the owner of Lot 20C, connects to Route 116 at the entrance to the old logging road. Chairman Griffin opened the public hearing for questions and comments. The Board secretary reported that no abutters had telephoned or sent a letter. Clare Lewis Ashe and Catherine Lewis asked to speak. They said James Lewis was unable to attend the hearing. It was their understanding that Mr. Lewis had telephoned the town office about the proposed building and he was under the impression this was all that was needed to proceed. However, he needed to submit an application for a building permit, this not done until after construction had begun on the structure. Now it is considered an after-the-fact building permit. Construction has ceased on the building. Chairman Griffin said the problem was the access to the proposed structure runs across a lot not owned by Mr. Lewis. The Planning Board needs to see a surveyed plat indicating exactly where the proposed right-of-way will be located. Ms. Ashe said a survey was done about 3 years ago and the town should have the map. Michael Meehan showed Ms. Ashe the small hand-drawn map the Board had been given and said this was the only map the Board was aware of. He showed Ms. Ashe the original subdivision plat approved in 1983. This is the size plat the Board would need with the proposed right-of-way, buildings, other features, etc. delineated by a surveyor as

would be required in a subdivision. Ms. Ashe and Ms. Lewis said they didn't want to subdivide, they only wanted a secure building for storage of such items as lawn mowers. They said they have experienced a number of incidents of thefts and vandalism. In 1988 a house had been destroyed by arson. Vern Matson said it was thought someone may be living in the proposed building. Ms. Ashe and Ms. Lewis said that wasn't true, it was probably a rumor being circulated by someone who has a grudge against them. There have been problems with some hunters who were angered when they were denied access to the property and who they suspect as responsible for some of the vandalism. Maybe someone had seen a nephew who had been camping there. Vernon Matson said NH Fish and Game should be called if there are complaints about hunting violations. Michael Meehan tried to explain what the Board understood to be the issue at hand. Mr. Lewis applied to the Selectmen for a building permit and was denied. Kevin Meehan said it was denied because there was no adequate access to the property. There was only a temporary logging road whose state permit had expired running across another owner's property. Ms. Ashe and Ms. Lewis insisted there always had been a road in that location and they have always used it. The Board secretary said she had contacted NH Department of Transportation (NHDOT) in Lancaster and was told there was no state driveway permit on file, the temporary permit for the logging road had expired a few years ago. Chairman Griffin again indicated the Board has no current plat. Michael Meehan explained that the lots in current use shown on a small map are not the same as what is needed for a subdivision consideration. The only plat the Board has to go by is the original 1983 subdivision. Jason Call said Mr. Lewis had obtained an easement but there was never any plan to show where the easement was located or its dimensions. Granting and easement or right-of-way affects the original subdivision. We would be legitimizing access to the next parcel and we have to make sure that is correctly defined so all parties including the town are protected. Ms. Ashe protested that the road has been there for years. Jason Call said there is no officially laid out right-of-way and that would have to be done. Kevin Meehan said if the property were sold with an undefined easement questions would arise in the future. Ms. Ashe said wouldn't someone ask about the easement if they wanted to buy the property? Jason Call said it is the Board's responsibility to have it done correctly right from the start. Ms. Ashe asked what other possibilities are there as a solution to this problem? Vernon Matson said the only other thing that could be done would be to build a driveway on Mr. Lewis's lot from Rt. 116 rather than going across another property. Ms. Ashe said that would defeat the purpose of having a secure building which couldn't be seen directly from the state road. It can't be seen now from the entrance to the old logging road. Kevin Meehan said it order to use the logging road it would have to be approved according to RSA 674:41. The land in current use would also be affected as well. Donna Laurent said it doesn't have to be built but it still will be on the plat. Chairman Griffin said the state driveway permit should be applied for from NH DOT before having survey done for the plat. She asked if there would be any advantage to having a shared driveway rather than an easement? Kevin Meehan said it wouldn't help, if designated as a private road it would have to be built to town road specifications. Chris Milligan, Jefferson fire chief, said he sympathized with the Ashe's position but we have to keep in mind the town may need to get rescue equipment up any proposed access, an ambulance for health issues or fire engines in case of a fire. Ms. Ashe asked Mr. Milligan if he had seen the road. Mr. Milligan said he had

and was concerned about the driveway itself coming from Rt. 116. It was thought perhaps a locked gate might help alleviate the some of the security issues. Mr. Milligan said there are other properties with locked gates that he has the keys for in case of an emergency. Chairman Griffin asked if anyone knew how long this proposed right-of-way is? Michael Meehan said it was probably more than 1000 feet. He asked if anyone had an idea about the conditions of the old logging road in the springtime but no one was sure. Charles Muller said there may be concerns about drainage, etc. Ms. Ashe said they would like a list specifying all that needs to be done before meeting with the Board again. Chairman Griffin asked if it would be possible for the Board to have permission to visit the site. A date was set for Monday, September 30 at 4 p.m. for Board members to meet at the entrance to the old logging road. Gordon Rebello made the motion that the public hearing be continued at that date and time, seconded by Jeff Young. The vote to accept the motion was unanimous. The Ashes and Ms. Lewis thanked the Board and left the meeting. Chairman Griffin asked if the Board wanted to make a specific list of items the Board is requesting from Mr. Lewis. Jeff Young said the Board must make a final list of recommendations to the Selectmen. They are the ones to make the final decision to give to Mr. Lewis. It's Mr. Lewis who has made the application for a building permit, not the Ashes or Ms. Lewis. Why wasn't Mr. Lewis's attorney present if Mr. Lewis couldn't attend? Kevin Meehan said it was important the process be done correctly because issues similar to this may come up in the future. Barry Nelson agreed. Both Mr. Milligan and Mr. Nelson left the meeting.

Communications

Copies of building permits were circulated.

Copies of Selectmen's minutes were circulated.

Jeff Young made a motion to adjourn the meeting, seconded by Gordon Rebello. The meeting was adjourned at 8:40 p.m.

Charlene Wheeler
Secretary to the Board