

DRAFT MINUTES

Town of Jefferson Office of the Planning Board

Minutes

August 13, 2024

Members present: Chairman Mike Meehan, Bob Roy, Mark Gross, Jason Call, Kevin Meehan, Select Board's representative; Andrea Gendron, alternate

Absent: Mike Smith, Rebecca Hatfield

Others present: Charlene Wheeler, secretary; Michelle Gross, dual secretary; Attorney Laura Spector-Morgan; Attorney Phillip Hastings (see attached attendance sheet for meeting attendees)

Chairman Meehan opened the meeting of the Planning Board at 7:10 pm. Andrea Gendron was designated a voting member for this meeting in the absence of a regular member

Minutes

Bob Roy made the motion to approve the minutes of the July 23, 2024, meeting minutes, seconded by Mark Gross. The vote to accept the motion was unanimous.

Hearing - Waumbek Partners LLC - continued

Chairman Meehan opened the continued public hearing for Waumbek Partners, a phased development from existing lots, Map 8, Lots 4, 4A, 4B, 4C, and 29. With the application itself came a multipage document called a Cluster Subdivision Agreement intended to provide a legal framework for the timely and orderly development. Town's attorney Laura Spector-Morgan and Waumbek Attorney Phillip Hastings were introduced and led a discussion addressing the points of the Cluster Subdivision. There was discussion of open spaces, defining the wording of several points. Vesting, short term rentals, owned by the Waumbek Partners and enforcement of covenants were also discussed. Attorney Hastings said Special Exceptions will be needed, they want to avoid too many applications such as variances to the Zoning Board of Adjustments. Bonding would be needed for road construction and utilities. All utilities are to be installed underground. There was also concern expressed about the change of road access by using a road that is currently on town property. A message from Selectmen Norman Brown was read indicating the selectmen's approval and support to move forward on the road. It was noted that the town has an engineer that will work with the partners on road installation and the road standards are published on the towns website. Specific points that the attorneys were discussing are attached to these minutes.

The Board did receive a written communication and read by the Board secretary from an abutter to the Waumbek proposal, Bernadette Nay, she stated she is in favor of the Waumbek development. The communication is attached to these minutes.

Nancy Greenlee, abutter to the Phase III of the Waumbek project had questions about how the duplexes would possibly obstruct their views. No specific answers could be

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given until more information would come in on that application. She was also concerned about receiving a hearing notice and that will be addressed. Jason Call referred to the definitions of section 4 of the Land use Ordinance. When each phase application is submitted all abutters must be renoticed and the applicants will bare the cost of such notices.

The board will schedule a public hearing when the application for a specific phase is submitted. Possible meeting dates were discussed, the board on their summer schedule had already canceled August 27th and also NH primary day Sept 10th, has been canceled. The applicants wanted to have a hearing before September 24th, the board's regularly scheduled meeting date. Sept 5th, was a possibility. Bob Roy made the motion that the hearing to be continued on Sept 5th at 7pm, seconded by Mark Gross. The vote to accept the motion was unanimous. Andrea Gendron made the motion be the August 27th regular meeting to remain canceled, seconded by Bob Roy and the vote to accept was unanimous.

Financial Report

Jason Call made the motion to approve the Financial Report, seconded by Mike Meehan. The vote to accept the motion was unanimous.

Communication

A Pipeline Safety Brochure from the Portland Pipeline was received and available at the office.

The Zoning Board of Adjustment is continuing a hearing on Aug 22nd at 7:30 pm for Mr Tilton who is asking for a Variance for Solar array closer to Valley Rd than is allowed. Also copies of two (2) approved building permits were circulated. Work continues on updating the website and create new email addresses.

Other Business

While Attorney Spector-Morgan was present Jason Call and the Board secretary asked questions about the Tilton Hearing to get some clarification of how the ZBOA should be handling the process. The response from her was that the applicant is responsible for supplying the board the information it needs. She thought the applicant may have a high bar to meet the hardship criteria.

The Board's next meeting will be Sept 5th at 7:00pm.

Bob Roy made the motion to adjourn the meeting, seconded by Mark Gross. The meeting was adjourned at 8:15 p.m.

Michelle Gross
Secretary to the Board

MEETING ATTENDEES - Date August 13, 2024

NAME - PLEASE PRINT	ADDRESS - PLEASE PRINT
1. LORI KORZEN	288 KENT ST BERLIN, NH
2. STEVE KORZEN	788 KENT ST BERLIN NH
3. DAVID & SARAH HILL	69 Lowell Rd Limerick
4. FORREST P. HUCKLE	Jefferson
5. Nancy Annette Chappell	Box 111 Jefferson NH
6. Shirley LeCompte	82 Jansky Ave. Jefferson
7. VIN COOPER	107 Meadows Rd, Jefferson
8. Philip Hastings	Cleveland, Waters & Bass PA
9. Bill & Nancy Greenlee	38 Starr King Rd, Jeff
10. Laura Spector-Morgan	
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Here are some thoughts/concerns/questions :

Board Attorney: Jefferson's Cluster Subdivision Regulations allow only single and two-family dwellings in a cluster subdivision. Waumbek's plan includes lodging units, which not only are not permitted in a cluster subdivision, but which also require a special exception anywhere in town. Likewise, the commercial and recreational uses noted in the Agreement are not permitted as part of a cluster subdivision and would require special exceptions elsewhere in town as well. Therefore, the town cannot agree that the Master Plan constitutes a Cluster Subdivision for purposes of Article IX of the Land Use Ordinance. In fact, those uses would require variances to be part of the cluster subdivision.

Waumbek Attorney: I had not read Article IX to prohibit other uses that may be allowed as of right or by special exception or variance. but I can see how Section 4 could be read that way. I think we can find a way to describe the cluster subdivision so that it only includes the single and two family uses, or, given the unique circumstances of this project, it may be better to seek a variance from Section 4 to allow recreational land specific commercial uses in this cluster subdivision.

Board Attorney: Second, the board is curious as to whether Waumbek proposes to have the open space for the various phases be contiguous or scattered throughout the parcel of real estate? A second question is whether the plan is to have the open space actually be undeveloped property (which appears to be the plan from the covenants), or is the idea that the open space may include the golf course?

Waumbek Attorney: Our preference is to use the non-contiguous area south of the golf course to satisfy the open space requirements, but some of the golf course could be considered.

Board Attorney: Third, Waumbek is looking to get approval for the Master Plan, be vested in that approval, but then wants the flexibility to change its proposal as it comes forth for specific phases. While I appreciate the need to get funding for this plan that is not fair to the town' The board has does not have any major issues with the plan as presented, however, if the approval of the Master Plan is going to be binding on the town and vested, then it either cannot be changed or we're going to need to very clearly define 'material change' and "substantially conform" throughout the Agreement.

Waumbek Attorney: Refining the vesting language along these lines does not seem unreasonable. The overall concept is to give the developer flexibility in the sequencing and timing of the project but to protect from ordinance changes once a certain level of investment is made.

Board Attorney: The Land Use Ordinance requires a performance bond for cluster subdivisions' Bonds are not mentioned in the Agreement, but I wanted to note it since the Agreement does limit the imposition of exactions and impact fees in the future.

Waumbek Attorney: We are not seeking any relaxation of the Town's usual bonding requirements for roads and other infrastructure but will need to know what to expect in this regard.

Board Attorney: I would like vesting to terminate automatically after 10 years of no activity (section 7:4 of the Agreement).

Waumbek Attorney: I am generally okay with an automatic termination of vesting after a long period of inactivity but I would like to have the ability to ask the Planning Board for an extension.

Board Attorney: Section 7.5 of the Agreement should also exempt from vesting regulations and ordinances which expressly protect public health standards, such as water quality and sewage treatment requirements.

Waumbek Attorney: Agreed - we can track the language of RSA 674:39 here.

Board Attorney: In the Covenants, I would like it made clear throughout that regardless of what approvals the Developer may give 'all uses' buildings' etc., must comply with the town's ordinances and regulations as well.

Waumbek Attorney: Agreed.

Board Attorney: In this vein, please keep in mind that the town has Short- Term Rental regulations that requires a special exception to use property as a short-term rental, as well as a permit from the selectboard. The board has heard (I believe from your client) that the plan is that the duplexes will all be owned by your client and rented on a short-term basis. It is not clear to me that that is actually a short-term rental situation and not a hotel situation.

Waumbek Attorney: We will review the STR regulations as they may apply to this project.

Board Attorney: Section 11.4 f the Covenants talks about parties, events, gatherings, wedding, competitions etc. at the Recreational Facility. Obviously, those must also be conducted in accordance with town regulations and approvals.

Waumbek Attorney: Agreed.

Board Attorney: Why is the town only granted the ability to enforce covenants related to the Common Open Space parcel? Let's discuss - it's not clear to be why it would be in the Town's interest to have enforcement authority over any of the other covenants and restrictions. Board members agreed the town should not be an enforcer of private covenants.

August 12, 2024

Greetings, Members of the Jefferson
Planning Board.

Many thanks to each of you for
assisting Waumbek Golf in bringing
the 5 Phase development to the
Residents for comments.

As a resident of Jefferson
for 25+ years, residing at
36 Starr King road, it is my
pleasure to offer support for
the future housing development
Plan.

Waumbek Golf is clearly
a 'proven winner'! The best
Predictor of future success
is past performance.

Sincere thanks and gratitude
To Forrest and Stacey, David
and Sarah for their financial
investment, personal sacrifice,
Time and Talent during this
Challenging Time.

Sincerely
Bernadette May