

## APPROVED MINUTES

Town of Jefferson  
Planning Board Meeting  
April 8, 2025  
Jefferson Community Center

The meeting was called to order at 7pm. by Chairman Bob Roy  
Role Call taken - Mike Meehan, Mike Smith, Mark, Gross, Jason Call, Selectmen board member Kevin Meehan were present. Our lawyer for the Town - Laura Spector - Morgan of Mitchell Municipal PA

Absent - Rebecca Hatfield, Andrea Gendron

Others present - Forrest Hicks; LLC Partner of the Waumbek, Thomas Smith; Surveyor, Brent Cole and Justin Daicneault of Granite Engineering, Philips Hastings of Cleveland, Waters and Bass PA, residents Cathy Conway, Kevin Conway, David Conway, Dave Passios, Mark Corrigan-on behalf of Wilma Corrigan ( received a note from Wilma that she would like to have her son Mark Corrigan present at the hearing ), Rebecca Hatfield ( recused herself from Waumbek Hearing session )

### Continuous hearing of WAUMBEEK CLUSTER SUBDIVISION Tax Map #8.Lots 4.4a.4b.4c & 29 Phase 1

Chairman Roy 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 Philip Hastings were introduced and led a discussion addressing the points of the Cluster Subdivision. Both lawyers reviewed the plan in depth. The board was informed that the road for Phase I will be a Private Rd/Access Rd to the Phase 1 only. All road standards including ditching and culverts have been noted, surface storm water meeting NHDES standards. Members also received the Subdivision agreement and all 3 waivers (appendix a, section 8.3 -Right of way width; sections 2.7 Private Rds and access to public street; section 6.9 sidewalks. All electricity will be underground with one pole on Rte 115a. Justin of Granite Engineering reported that all permits will be submitted, including NHDOT, NHDES, NH Fish and Game. All homesites will have their own well and septic systems. Private Road discussion was brought up again, they discussed that this will not be a Town Road, leach field may go in the common area.

Chairman Roy motioned to open to Public Session, all in favor.

Public input - A question was asked if all waivers have been received? Yes that is correct, stated by the Town Lawyer. What entity is responsible for stormwater system and retention ponds maintenance? The homeowners association in their bylaws will be responsible for this. Who is in charge of moderating this? The town is not responsible. Again the association will be. If any failure this goes on to the Waumbek Partners LLC.

Board reviewed again that the road will be Private and not Town. This private road will be built to town specifications, apart from the road width, as Forrest Hicks and engineers reminded the Board of this.

Public comment -regarding Cluster Subdivision agreement, Does Phase I have proper access to Phase II ?

Mr Hastings spoke that the Planning Board is only approving for Phase I at this time, and is non relevant. Board member asked if there is a timeline of the phases?

Pg 5 of agreement 7.4; If more than 10 years lapse all vested rights will terminate. Must be done within 10 yrs.

Public comment - Is there a maximum density and is it noted ?

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Noted: 80 acres of 203 acres. (if all phases get developed, it would be 101 units)

Both lawyers noted that the agreement protects all parties, the Town and the Waumbek Partners LLC.

A resident asked if the public notice of the continuous hearing was posted correctly ? Yes

After lengthy discussions of various topics, we moved forward to review the waivers and cluster agreement.

We had a discussion led by Laura regarding private roads.

"Towns have no jurisdiction over private roads. They cannot spend money on them, nor can they regulate them. Likewise, towns have no liability for any damages which may occur from the use of a Class VI or private road. Many towns have standards to which private roads must be built. That is generally so that if (and more likely, when) the developer or residents ask the town to take that road over as a public road, the town knows that it is built to town road standards and will not require the taxpayers to spend a lot of money to upgrade it once the town does have jurisdiction over and responsibility and liability for it.

You also inquired about whether towns can enforce private restrictions found in homeowners' association covenants. The answer to that is generally no. Those are private contracts between the associations and the individuals who bought properties in those developments. There are some situations where the covenants allow the town to enforce the restrictions. Those are usually found in covenants related to subdivisions where the covenants include conditions of approval required by the town. But, for example, if a homeowners association prohibits short term rentals in a particular neighborhood, and someone applies to the town for permission to rent their home on a short term basis, and the application meets all of the town's requirements to for such a use, the town should approve the use, and let the association bring a lawsuit to stop it based on the covenants. Likewise, neighbor objections are almost never a basis to deny an application unless the neighbors can identify an ordinance or regulation requirement that is not met."

All waivers were reviewed with members and Laura. Section 6.9 Sidewalks, Motioned by Kevin,seconded by Mike Meehan - Passed, all in favor; Section 8.3 Right of way Width, motioned by Kevin,seconded by Mark,5 YES, 1 NO, Passes Section 2.7 Private Roads, motioned by Kevin, seconded by Mike Meehan, Passed all in favor; Section 6.4 Access to Public Street, motioned by Kevin,seconded by Mark. Passed all in favor.

Kevin Meehan made the motion to approve the Subdivision and Mark Gross seconded. Passed unanimously with 2 conditions of approval -Road shall be a Private Road and maintained by

association and shall remain Private. And developers shall obtain all local/state/federal approvals.

Motion was made to approve Chair Roy to sign mylar, stamp and date cluster agreement. Passed unanimously.

Motion was made to close the Public hearing at 830pm.

Draft minutes were reviewed, amended. Mike Smith made a motion to approve amended minutes of the 3/25/25 meeting. Seconded by Mike Meehan - Passed unanimously.

Financial report was reviewed by members. Jason Call motioned to accept. Kevin Meehan seconded. Passed unanimously.

Our next scheduled meeting is Tuesday April 22nd at 7pm.

Motion to adjourn meeting by Mike Smith, seconded by Mark Gross; passed unanimously  
Meeting adjourned at 850 pm

Michelle Gross  
Secretary of the Jefferson Planning Board.