

**Town of Jefferson**  
Office of the Planning Board

**Minutes**

August 27, 2013

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

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

**Others present:** Charlene Wheeler, Board secretary

**Minutes**

Jeff Young made the motion to approve the minutes of the August 13, 2013 meeting as read, seconded by Gordon Rebello. The vote to accept the motion was unanimous.

**Communications**

The annual NH Local Government Center law lecture series will take place this year in Littleton during the month of September. The cost is \$35.00 per person per lecture. The Board secretary expressed interest in attending at least one of the lectures. Chairman Griffin told Board members the town would pay for registration fees if anyone else was interested in attending. Board members approved the cost of the Board secretary attending the requested lecture.

**Unfinished Business – Lieberum Subdivision**

Chairman Griffin reported to the Board several e-mails were exchanged with the town's attorney seeking advise on how to proceed with the issue of installation of underground utilities in the Lieberum subdivision and the letter of credit on file. The attorney's replies seemed somewhat confusing and Chairman Griffin will try to contact her again when the attorney returns from vacation on September 3. Chairman Griffin said she spoke with Bill Perkins to update him on what the Board had been doing. It seems the attorney is saying the Board should increase the amount of the letter of credit at the time it is due in January. Also, if the deadline for installation of utilities isn't met the Board can prevent the sale of the lots in the subdivision. However, at least half of the lots have already been sold at this time. It's still unclear if the attorney's advice may conflict with the RSA permitting a 10% increase per year on a bond amount. It's also still unclear if the deadline for completion can be extended. There was a discussion on getting more information on the cost of installing underground utilities. Having the subdivision road already completed will also add to the cost. Mr. Lieberum told the Board that costs could be about \$50,000. Is that amount accurate? The figures the Board has on file are probably very out of date. The issue of installation costs needs to be looked at in the future. Perhaps Joe Marshall, representing PSNH, could meet again with the Board or H. E. Bergeron in North Conway could be employed to supply such information.

## **Unfinished Business – Lewis Hearing**

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. A date of September 24 was set to hold the hearing. Chairman Griffin was concerned about notification to Mr. Lewis and how it should be worded. Will Mr. Lewis be blindsided by getting this notice? The Board secretary said Mr. Lewis through his attorney and the town's attorney has been made well aware of this process. It shouldn't come as a big surprise to them that a date has been set. There is a list of abutters already made, at least five certified letters are required to be mailed, and a notice placed in a newspaper. Board members examined the plat of the original subdivision approved in December of 1983 as well as the town's tax map. A list of what the Board may need to consider before making their recommendations to the Selectmen was discussed:

1. A plat drawn by a licensed surveyor with the proposed easement delineated
2. The location of any wetlands
3. The existence of a state driveway permit onto Route 116
4. A visit to the proposed site by the Board or an agent of the Board
5. Reasons why a driveway is not possible on own lot
6. Any change would amend the subdivision of the lots
7. The Board must listen to what Mr. Lewis or his agent brings to the hearing, as well as, comments from the public, and continuing in a public session, deliberate and vote on recommendations to the Selectmen.
8. Input may be needed from the fire chief, road agent, or a representative from the NH Department of Transportation
9. Any decision the Board makes may have influence on future requirements for a proposal containing a shared driveway

Chairman Griffin will write the first draft of the needed notices and send it to the Board secretary for her editing suggestions. The next Board meeting was scheduled for September 10.

Jeff Young made a motion to adjourn the meeting, seconded by Gordon Rebello. The meeting was adjourned at 8:00 p.m.

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Charlene Wheeler  
Secretary to the Board