

TOWN OF JAFFREY
Jaffrey, New Hampshire
PLANNING BOARD
Meeting Minutes
September 7, 2011

Present: Chairman Merrell, Members Doane, Kresge and Moore

Absent: Members Deschenes, Despres, Grodin, McCarthy and Selectmen's Representative MacIsaac

Staff: Recording Secretary Lemire, Town's Attorney Dowd

CALL TO ORDER

Chairman Merrell called the public hearing to order at 7:30 p.m. Notice of public hearing PB 11-12 was posted in the Town Office building, the Library; copies were sent to the Planning Board, the Conservation Commission, and the Board of Selectmen. Member Moore would vote. Selectmen's Representative MacIsaac recused himself.

PUBLIC HEARING – CONTINUED

1. PB 11-12; Van Dyke, Robert, Mountain Road, Map 229 / Lot 33, Zone: Mountain Zone

Compliance Hearing - The applicant is submitting documentation as required by the Conditional Approval by the Planning Board on October 14, 2008; case number PB 04-33, 06-20, 08-14 Consolidated.

Presentation: Robert Van Dyke

Appearance:

Chairman Merrell reviewed and updated the status of each condition to be met.

Condition 2 A:

Chairman Merrell stated that a letter from the DPW has been received. The condition has been met.

Condition 2 B:

Chairman Merrell stated that a development agreement has been received and accepted by Town Counsel. The condition has been met.

Condition 2 C:

Chairman Merrell stated that at this time a bond has not been submitted. Mr. Van Dyke stated that he had been meeting with Jo Anne Carr and Mike Hartman and he had a 3 phase breakdown. The first of the three phases is the largest - \$92,805 plus 15% contingency; Mr. Van Dyke had a check for \$106,725.

Phase two and three are very small. Phase two is \$39,439 with a contingency and phase three is \$55,000.

A performance bond from Hanover Insurance Co. to the Town of Jaffrey was presented for the water system (meant to be given and maintained by the town originally and now a separate issue) and the as built comes to \$39,272 (done by the DPW) plus a 15% contingency.

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A \$20,000 restoration bond to start the work has been put down; a \$15,000 cash escrow has been deposited for any inspections.

Member Kresge asked if the numbers presented tonight were reviewed by DPW Director, Randy Heglin. Mr. Van Dyke replied that they have been reviewed but because Randy has been away this week his final comments have not been received.

Member Kresge asked if the Town Manager has given any indication that this is acceptable to the town. Recording Secretary Lemire had a conversation with the Town Manager and he seemed to feel that the numbers were in line; that they added up for the most part.

It was the decision of the board that the condition has been met.

Condition 2 D:

Chairman Merrell stated that the Alteration of Terrain permit has been made but not yet received.

This condition has not been met.

Condition 2 E:

Chairman Merrell asked if the Declaration of Condominium was reviewed and approved by Town Counsel. Town Counsel Dowd stated that his job was to give a limited review of the document to ensure that conditions established by the Planning Board or the Zoning Board as part of the approvals is part of this process; the purpose being that if someone buys a condominium that they would have an opportunity to be on notice of those conditions.

This condition has been met.

Condition 2 F:

A letter from the Town Manager was received August 30, 2011.

This condition has been met.

Chairman Merrell noted that the applicant's Attorney has submitted a letter requesting an extension of the compliance hearing for 180 days in order to receive the Alteration of Terrain permit.

Member Kresge proposed that the conditions met, items 2 A, B, C, E and F, be verbally documented by the board, that the compliance hearing be closed and any outstanding issues will be dealt with in the future as a business item. Condition 2 D is still outstanding.

There being no further questions Chairman Merrell closed the public hearing.

DECISIONS

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On a motion by Kresge, seconded by Moore condition items 2 A, B, C, E and F respective to the original decision of October 23, 2008 have been satisfied at this point by the applicant; the Compliance Hearing was closed. Item D is still outstanding and will be considered at a future regularly scheduled meeting as a business item. (4-0)

On a motion by Kresge, seconded by Doane pertinent to the applicants request for an extension of the original approval, the board granted the extension for a 180 day period with the outstanding issue being receipt of the Alteration of Terrain permit. If at any time during that period the applicant can show compliance then the board will take it up as a business item at a regularly scheduled planning board meeting. (4-0)

ADJOURNMENT

The meeting adjourned at 8:52 p.m.

Submitted:

Attest:

Erlene Lemire
Recording Secretary

Edward Merrell
Chairman, Jaffrey Planning Board