

TOWN OF JAFFREY
Jaffrey, New Hampshire
PLANNING BOARD
Meeting Minutes
July 14, 2015

Present: Chairman Kresge, Members Bergeron, Deschenes, Despres, Devlin, McKenzie, Merrell and Selectmen's Representative Alternate Moore.

Absent: Selectmen's Representative MacIsaac

Staff: JoAnne Carr, Director of Planning and Economic Development

MEETING MINUTES APPROVAL

On a motion by Merrell, seconded by Bergeron the minutes of the June 9, 2015 public hearing were approved as amended. (5-0-1) Member Mc Kenzie abstained.

PRELIMINARY HEARING

None

CALL TO ORDER

Chairman Kresge called the public hearing to order at 7:00 p.m. Notice of the public hearings was posted in the Town Office building, the Library; copies were sent to the Planning Board, the Conservation Commission, and the Board of Selectmen.

APPLICATION ACCEPTANCE

No Action

PUBLIC HEARING – NEW

No Action

PUBLIC HEARING – CONTINUED

No Action

DECISIONS

OTHER BUSINESS

- PB 15-03; Van Dyke, Robert, Mountain Road, Map 229 / Lot 33, Zone: Mountain Zone

The applicant is submitting final 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.

Chairman Kresge began by stating that the meeting is not a public hearing. It is a business meeting of the board and there will be no testimony taken. As a reminder of what has taken place a summary of the time line beginning in October 2008 when the planning board issued a conditional approval for the twenty-eight unit OSDP to current was given. In July of 2011 a compliance hearing was held and one of the conditions of approval was the completion of a Development Agreement. At that time the final approval had not been given. The agreement is not part of the planning board proceedings; it is a separate agreement but it is one of the conditions on the approval. In September of 2011 some of the conditions had been met including the signing of the Development Agreement. The one condition still outstanding

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was to obtain all necessary State permits and notably an alteration of terrain permit from NHDES. On August 14, 2012 the AOT permit had been received by the town less the actual plan set that was submitted to the State and at that planning board meeting the board certified that it had been received and that all conditions of the original conditional approval had been met. In the fall of 2012 the plan set was finally tracked down and the board discovered that the design changes made to satisfy the State requirements for the AOT had at the same time taken the design out of compliance with the ZBA variance requirements in the original conditional approval. As a result it voided the compliance of that condition. At this point the applicant was advised to work out a design that would satisfy both the Town and State requirements. On June 18, 2015 the amended AOT permit was received as well as the full plan set which had been properly stamped and certified. In the interim due to the large amount of elapsed time, the change in the plan sets, and the change in some of the other assumptions that went into the original settlement agreement, the development agreement needed to be amended. In sum there are two conditions that are open – receipt of all applicable State and other related permits (ie: AOT) and a signed Development Agreement with the Town administration, Selectmen and Town Manager. These two issues are the topic of discussion for this meeting.

Due to numerous questions regarding vesting Chairman Kresge addressed the subject and how it applies to the project. Once final approval is given and the plan is recorded the developer has a five year period to substantially complete their project. If they substantially complete their project within that time frame they are not subject to any future zoning changes that might affect their project. The Planning Board does have the option to define active and substantial completion on a project. The board defined the description of the work that would constitute active and substantial completion and substantial completion. Chairman Kresge pointed out that vesting does not begin until a final approval is granted and for this project the vesting schedule has not yet started. There is no final approval or recorded plan.

Mr. Van Dyke's Attorney, John Ratigan addressed the board stating that they think all the conditions have been satisfied. The Town has approached him with some suggested revisions to the Development Agreement and they are amenable to discussing them.

Beginning with the State permits/AOT Chairman Kresge asked the board if this condition has been met.

On a motion by Deschenes, seconded by Merrell the board determined that the condition regarding State permits/AOT had been met. (7-0)

With respect to a signed Development Agreement Chairman Kresge asked the board if this condition has been met.

On a motion by Merrell, seconded by Deschenes the board continued the discussion regarding the signed Development Agreement to the August 11, 2015 meeting. (7-0) Selectmen's Representative Alternate Moore recused himself. Member Devlin voted.

- Chairman Kresge – proposed changes to clarify the Rules of Procedure

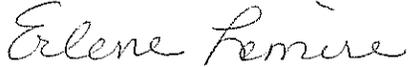
No action. To be taken up at a later date.

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ADJOURNMENT

The meeting adjourned at 7:50 p.m.

Submitted:


Erlene Lemire
Recording Secretary

Attest:


Mark Kresge
Chairman, Jaffrey Planning Board