

Town of Hope
Planning Board Meeting
February 3, 2009

Present: Bill Pearse, Jr., Peter Sexton, Tug Kellough, Dick Brodis

CEO: Jon Duke

Town Counsel: Paul Gibbons

Meeting Called to Order: 7:03 p.m.

Minutes approved as Written

Laukka Subdivision:

Bob (Robert?) Johnson, one of the abutters presented a signed document from the former owner, granting right of way privileges while retaining ownership of the access road. Furthermore, the former owner of the lot now owned by Bruce Laukka, agreed to bear the cost of maintaining the road and passed that duty on to any following owners.

Bob Johnson also brought up the fact that Steve Pease, another abutter and who was unable to attend, had voluntarily plowed the entire access road up to this point.

So the questions are:

1. Was Bruce Laukka aware of this? - The answer to this was no. This document either was ignored by the foreclosing bank, or was never entered into the deed of registry, or Mr. Laukka's title search had failed to turn it up.
2. Did this document have any legal standing. - Answer: Town Council opined that if it was entered in the deed registry, it could possibly have some binding merit but it was not certain that such an agreement would be binding to successive owners of the property. If the agreement had not been entered into the registry, or if it had been entered after the fact of the mortgage that resulted in the foreclosure, it would definitely have no merit. So in summary, Council advised that this agreement had worked to date but could not be guaranteed for the future. It would therefore be prudent to set up a proper road association although the town could not force such an option on them.

Some time was spent reconciling a discrepancy of the lot numbers, which was accomplished.

Bruce Laukka at this point decided to put things on hold until road issues have been further investigated and resolved. So motion was made, seconded and passed to continue, probably March 3rd.

Martz/Bagnall findings of fact: Town Council, Paul Gibbons, presented his amended findings of fact concerning the Martz/Bagnall issue. Amendments were gone over and explained in detail. Motion was made, seconded and passed to accept them as written, but were not signed off. This was because Charlie Martz was not present and should be given the option to comment. Instead, the Board decided to hold a special meeting on February 10, 2009. This would give adequate time for notice and/or preparation on the part of both parties concerned.

The Board then discussed holding some seminars/training sessions for itself concerning issues that it has been asked to deal with consistently of late. Decided that three topics have the highest priority.

1. Subdivision review, particularly what we can and can not require at our discretion as part of any requirements.
2. Road ownership, titles, associations, requirements.
3. The place of aesthetics in our decision making process.

Decided to try and set up a plan and schedule at the next regular meeting.

Motion was then made to adjourn at 9:13, seconded and passed.