

TOWN OF WEBSTER
PLANNING BOARD
MEETING MINUTES THURSDAY NOVEMBER 16, 2023

The Planning Board held a meeting on Thursday, November 16, 2023. The meeting was held at the Town Hall in the Grange Hall; 945 Battle Street, Webster, NH 03303.

Planning Board Members present: Chairperson Craig Fournier, Marlo Herrick, Adam Mock, and Paul King.

Also, present: Land Use Coordinator Russell Tatro and see attached attendance sheet.

Chairperson Fournier opened the meeting at 6:30pm by taking attendance, members Susan Youngs and Theresa Finnamore were note in attendance. He then asked if Alternate Member King would fill the position of Member Youngs and Member King responded that he would.

Chairperson Fournier then moved to the first item on the agenda, the Public Hearing for the proposed Driveway and Zoning Amendments. He opened the hearing at 6:37pm and began by giving the basic ground rules for the public hearing. He then asked Member Herrick to read the new regulations.

Driveway Regulations Section IV, B, 2a: ***~~"In the case of a driveway intersecting a State Road, issuance of a State driveway permit shall be regarded as compliance with the Webster requirements for the design of the driveway/street intersection. a State driveway permit shall be a requirement for a Webster driveway permit."~~***

Member Herrick explained that the purpose of this change was to make sure that the applicant had both a Town and State permit. Mr. Evans asked how this would affect the apron requirements on a State road. Chairperson Fournier responded that with the new wording the applicant would have to be in compliance with both State and Town's regulations. Mr. Drown stated that he had been told by NHDOT three years ago that the Town had no jurisdiction on State highways. Mr. Evens informed the Board that he had some suggestions for the regulations. He had reviewed both the State and Town regulations and overall, there were minimal differences. He went over the differences in width, and he felt the Town should accept the State's width requirements. He said the second difference was distance from the abutter's property line. The Town's requirement was 10ft and the State had no requirement. He felt the problem in the Webster regulation was that nowhere in the regulations did it indicate that you needed to maintain the 10ft once you got past the entrance. He felt the Planning Board should consider putting the 10ft into the Town's zoning regulations. He then wanted to address the idea that it was unfair for those on Town roads to be required to have paved aprons when those on State roads are not. He pointed out if the Town was doing this to be fair it would require driveways on dirt roads to also have paved aprons where it served no purpose. A lengthy discussion ensued about driveway aprons and whether they should be required on State Roads. Mr. Evans also made several language suggestions to the Board on the Towns Driveway regulations. Chairperson Fournier thanked him for his suggestions and asked that he forward them to Coordinator Tatro for him to pass along to the Board to review at their next meeting.

Zoning Ordinance: Article IV – Lot and Yard Requirements 1A & 1B:

- A. ***~~"All lots in the Residential/Agricultural District shall be at least five (5) three (3) acres in size, provided however, that lots of record within this District as of the effective date of this Amendment that lots of record within this District as of March 13, 2007 that (a) are in size equal to or greater than four (4) acres but less than ten (10) acres and (b) satisfy all other requirements of this Ordinance, the Town's Subdivision Regulations, and all other Town ordinances and regulations (hereinafter "Qualifying Lots") shall be permitted to be subdivided~~***

1 *once into a total of two lots each of a minimum size of two (2) acres. No further subdivision of*
2 *Qualifying Lots shall be permitted."*
3

4 ***B. Each lot shall have a minimum of 250 200 foot frontage on the road or highway that serves it.***
5

6 Mr. Drown asked for clarifications if a four-acre lot could be subdivided into a two-acre lot. Coordinator
7 Tatro responded that only if it was a "Qualifying Lot" that existed prior to the Town adopting five-acre
8 zoning in 2007. This was keeping a use that already existed in the current zoning ordinance. Mr. Drown
9 added that he felt the Town should keep the frontage requirement at 250 feet instead of going down to
10 200 feet.

11
12 Susan Rauth asked what the reasoning was for the Board to reduce the acreage requirement. Member
13 Mock responded that they had wanted to help getting land in Webster more accessible to young people
14 and make it a bit easier to develop more housing. Ms. Rauth with the sentiment of making room for
15 smaller housing but felt there were better options for the Board to consider. For example, cluster
16 development. She asked if the Board had considered all the potential impacts on the Town. Chairperson
17 Fournier responded that he felt that this wasn't going to make that large of a difference. Ms. Rauth asked
18 if the Board had considered the Master plan when deciding on these zoning amendments and had
19 considered the recommendations within it. Chairperson Fournier responded that it was difficult to adopt
20 things like innovative land use controls because it would require the Town to have different zones.
21 Member Mock added that he felt having different zones in Town wouldn't be fair to landowners. Ms.
22 Rauth felt that the Town didn't have to designate specific areas for this kind of zoning.
23

24 ***Zoning Ordinance: Article XI Impact Fee: "New development shall not include the replacement of an***
25 ***existing mobile home, or the reconstruction of a structure that has been destroyed by fire or natural***
26 ***disaster where there is no change in its size, density or type of use, and where there is no net increase***
27 ***in demand on the public capital facilities of the Town of Webster. All claims for abatement of Impact***
28 ***fee for replacement after a fire or natural disaster, must occur within three years of the incident."***
29

30 Chairperson Fournier pointed out that the change was just the last sentence and the reason the Board had
31 added it was because the Town had been sued over it earlier this year. A property owner had made the
32 claim that because a structure had burned on the property before she owned the property that she was
33 exempted from the impact fee. Even though the structure was not the same size or in the same location.
34 The Town had prevailed in court, but it had still cost the Town money.
35

36 ***Zoning Ordinance Housekeeping Warrant Article: "The Planning Board has the authority to***
37 ***assign such section numbers to the Zoning Ordinance as it may deem appropriate provided***
38 ***that no substantive change to the ordinance shall occur as a result of this renumbering."***
39

40 Coordinator Tatro explained that he had requested this Warrant Article because as the Town
41 amended its Zoning Ordinance the Table of contents got misaligned and to fix this the corrections
42 would need to be voted on at the Town Meeting. With this Warrant Article could make
43 corrections to the table of contents without a vote at Town Meeting.
44

45 Chairperson Fournier then closed the public hearing and moved to the next item on the agenda, the
46 DeBello Driveway update.
47

48 Coordinator Tatro informed the Board that he had reached out to the NHDOT District 5 Engineer as
49 requested and asked for a meeting. The Engineer responded that he didn't feel a meeting would be
50 necessary and explained his reasoning for denying the permit. He had indicated that Mr. DeBello's new
51 driveway met the requirements for sight distance but because there were too many driveways on the

property. This is because the State permits driveway by the lots that were in existence in 1970's. This meant that the driveways at 298 Battle Street counted as part of the total number of allowed driveways. In order for Mr. DeBello's driveway to get approved the norther driveway at 298 would need to be closed and the southern driveway would need to be moved to get the required site distance. He felt that the Planning Board had done all that they could for Mr. DeBello at this point and the Board agreed. Mr. DeBello and the Durkee's expressed their frustration with the State Engineer and thanked the Board for their time and help.

Chairperson Fournier moved to the next item on the agenda, the Chea Driveway.

Coordinator Tatro informed the Board that Mr. Chea had come before them regarding the enforcement Select Board at the end of last month and the Board had suggested that he ask his questions regarding his driveway to the Planning Board. The question he was asking was what the Board considered to be the driveway and asked if they could define it on a map for him. Chairperson Fournier responded that he wasn't going to entertain this, and his driveway was very clear. Member King asked if Coordinator Tatro had gotten the information that he had requested regarding the requirements to approve Mr. Chae's driveway permit before he had withdrawn it. Coordinator Tatro responded that after the Board had voted to reconsider Mr. Chae's permit, they had agreed to grant it contingent on the grade being +/-5%, the installation of a culvert, and a copy of the wetland scientists' report. Chairperson Fournier then informed the Board that prior to the meeting he had met with the Road Agent, and they had discussed the driveway. They had reconsidered the need for a culvert and decided that it would not be necessary. He then asked that Coordinator Tatro suggest that Mr. Chae put in another driveway permit application for the Board to approve.

Chairperson Fournier moved to the next item on the agenda, approval of draft minutes.

MOTION: Member Herrick

To approve the minutes from 10/19/23 as written

SECOND: Chairperson Fournier

CRAIG FOURNIER – YES

PAUL KING –ABSTAIN

ADAM MOCK – YES

MARLO HERRICK – YES

The motion passed 3 to 0 with one abstaining.

MOTION: Chairperson Fournier

To adjourn the meeting at 7:40pm

SECOND: Member King

CRAIG FOURNIER – YES

PAUL KING –YES

ADAM MOCK – YES

MARLO HERRICK – YES

The motion passed 4 to 0.

Respectfully,

Minutes taken by Russell Tatro