

TOWN OF WEBSTER, NEW HAMPSHIRE
Zoning Board of Adjustment and Planning Board
JOINT HEARINGS
945 Battle Street/Rte. 127
Webster, NH 03303
Tel. (603) 648-2272

Zoning Board of Adjustment and Planning Board
JOINT HEARINGS Minutes
October 14, 2014

Present:

ZBA Members: Chairman Martin Bender, Members Barbara Corliss, David Barnes and Alternate Guy LaRochelle, who was appointed as an acting member due to the absence of Robert Drown, Jr.

Planning Board Members: Chairperson Susan Rauth, Vice Chair Susan Roman, Members Jere Buckley, Lynmarie Lehmann and Alternate Selectman Bruce Johnson.

Applicants in attendance: Mr. Arthur V. LaBrecque, III petitioned ZBA for a Special Exception and Mr. Joseph DiPrima petitioned ZBA for Commercial Exception and the Planning Board for a Site Plan Review approval.

There were no members of the public in attendance.

ZBA Case No. 14-03 Special Exception:

Petition of Arthur V. LaBrecque, III for property located at 4 Kimball Lane wherein a Special Exception per Article V, Section 8.A. & 8.B is requested to permit construction of a 24' X 20' pole barn no closer than 25 feet from the property line. Said property is shown on tax map 11 lot 23 and lies within the residential/agricultural zone along the Blackwater River.

7:00 PM Chairman Bender opened the public hearing. Member Corliss took attendance and read the application. Chairman Bender explained the public hearing procedure. He then invited Mr. LaBrecque to make his presentation.

Mr. LaBrecque explained to the ZBA that he would like to construct a 24'L X 20'W pole barn to use for storage of his various equipment (4-wheelers, snowmobiles etc.) rather than putting up tents for shelter. The barn would be approximately 26 feet from the southerly property line. Mr. LaBrecque explained his plot plan to the Board.

Acting Member LaRochelle inquired about the construction materials. Mr. LaBrecque stated it would be one-story board and batten with a metal roof, no windows and with the opening facing his log home. Member Corliss asked about the setback from the river. Mr. LaBrecque stated it was 62.5 feet. He added that he would be meeting with DES next week. Acting Member LaRochelle reiterated that Board approval would be predicated upon DES approval.

Chairman Bender asked if anyone wished to speak in favor of the application or anybody opposed. There were no members of the public present, therefore there were no comments. However, an e-mail was

received October 9, 2014 from an abutter in favor of Mr. LaBrecque’s application. Member Corliss read the following:

“Dear Ms. Larson,

My property abuts that of Arthur LaBrecque who is seeking a Special Exception to construct a pole barn on his property. I have received an invitation to the hearing on October 14, but I don’t feel I would have anything pertinent to add except that I would like to go on record as stating that I have no objection to the construction or placement of the barn on his property. I would greatly appreciate it if you would convey this to the Zoning Board of Adjustment for me.

*Yours truly,
Bonnie Germain
5 Kimball Lane
Webster, NH”*

7:12 PM Chairman Bender closed the testimony and the Board discussion began. Member Corliss made a motion to approve Mr. Arthur LaBrecque’s Special Exception contingent upon an approved Shoreland Impact Permit; seconded by Member Barnes and unanimously approved.

7:14 PM Hearing adjourned.

**JOINT HEARINGS OF ZONING BOARD OF ADJUSTMENT
AND THE PLANNING BOARD
FOR THE SAME APPLICANT**

**ZBA Case No. 14-04 Commercial Exception:
Petition of JMJ Resort Properties for property located at 541 Battle Street where in a Commercial Exception per Article V. Section 1.F is requested to permit construction of 15 additional campsites for a total of 122.**

7:16 PM Chairman Bender opened the second hearing. Acting Member LaRochelle recused himself because he is an abutter to the campground. Member Corliss took attendance. At this time Chairman Bender informed Mr. DiPrima that because there were only three ZBA members there would have to be a unanimous vote in order for the Commercial Exception to be approved. Chairman Bender gave Mr. DiPrima the options of taking his chances or coming back to the ZBA next month. Mr. DiPrima wanted to continue with this hearing. After going over the public hearing procedures, Chairman Bender invited Mr. DiPrima to make his presentation.

Mr. DiPrima stated he would like to add 15 more sites; seven in the “A” area and eight in the “G” area. If approved, he stated the “A” area sites would be going in right away but the “G” area sites would have to wait until there was an approved septic design for a new system. ZBA and PB members studied the plats

that Mr. DiPrima provided. A brief discussion regarding septic systems ensued. Member Lehmann inquired about the number of full hook-up sites vs. tent sites. Mr. DiPrima stated all sites are full hook-up except for six tent sites. Mr. DiPrima's future plans are for full hook-up sites. Tents can be used on full hook-up sites but full hook-up RV's cannot use tent sites. Member Lehmann, referring to the applicant's expansion plan to 185 total sites, had questions about the density; would there be a need for more roads, more septic systems, etc. Mr. DiPrima stated he had 78 acres and most of the roads (all gravel) already existed.

Member Corliss asked Mrs. Larson if she knew of any complaints made to the Town about the campground. Mrs. Larson answered 'no'.

Member Roman inquired about gasoline storage. Mr. DiPrima stated he has five gallon jugs of gasoline and diesel for his lawnmower and tractor stored on shelves outside the store on hardtop. Member Roman explained that her concern was that the campground is over an aquifer in the Groundwater Protection District.

Member Lehmann asked if Mr. DiPrima had clean-up procedures for the campers' vehicles if they were to spring a leak. He stated he did not and he had not had a problem with that.

After a brief discussion, Chairman Bender inquired as to the number of seasonal campers. Mr. DiPrima stated he had 81 seasonal campers out of the current 107 sites.

Chairperson Rauth inquired about access for fire trucks and public safety vehicles. Alternate Selectman Johnson informed the Board there had been an ambulance called to the campground this past summer and the Fire Chief had been at the campground for a few events including the D.A.R.E. breakfast program. Member Roman inquired about the width of the roads. Mr. DiPrima stated they were a minimum of about 15 feet wide.

Member Roman inquired about how the campground would deal with fire. Mr. DiPrima stated by calling 911. He added that the Fire and Police Departments have maps of the campground. A brief discussion ensued regarding fire safety. There is a dry hydrant at the 'dog' pond which is used for fire suppression for not only the campground, but for that area of town.

Chairman Bender asked if anyone would like to speak in favor of the application; no comments were made. He asked if anyone would like to speak in opposition. Mr. Guy LaRochelle, an abutter to the campground, was concerned about the increasing number of sites. He stated the previous owners caused serious noise problems for all the neighbors. There were dogs and motorcycles and people screaming all hours of the night and fireworks and bands, etc. Mr. LaRochelle just wanted to express his concerns about the increasing number of people at the campground. Mr. DiPrima stated he has quiet hours from 11 pm to 8 am; dogs must be on a leash at all times. Dog owners are required to present proof of rabies vaccination. Fireworks are done one day during the year. Mr. DiPrima stated he believed he had proven over the years that he has not run the campground like the previous owners had; today it's a nice, respectable family campground. Mr. DiPrima stated the future sites near Mr. LaRochelle's property will be just sites, not a recreational area. Mr. LaRochelle asked if each site had a fire pit. Mr. DiPrima stated 'yes' and added the Fire Chief comes every year and inspects all the fire pits and issues one fire permit for the season for the entire campground. A brief discussion ensued.

Member Corliss stated she was impressed about the way Mr. DiPrima ran the campground and that there haven't been any complaints. In the event a future owner is not as good as Mr. DiPrima, Member Corliss asked Alternate Selectman Johnson if the Town had a noise ordinance and if not could that be looked into. He stated he believed the Select Board could do something like that. Member Corliss felt that could allay a lot of the neighbors' fears.

8:02 PM Chairman Bender closed the testimony and Board discussion began. Member Barnes made a motion to approve the 15 sites; seconded by Member Corliss and unanimously approved.

8:02 PM ZBA Hearing adjourned.

PB Case No. 14-03 Site Plan Review Application:
Petition of JMJ Resort Properties for property located at 541 Battle Street where in a Site Plan Review Application had been submitted to permit construction of 15 additional camp sites. Said property is shown on tax map 5 Lot 54 and lies within the residential/agricultural zone.

8:03 PM Planning Board Chairperson Rauth opened the hearing. She explained the public hearing procedure and took attendance. The Planning Board began by reviewing the Site Plan Review Application checklist.

Member Roman pointed out that the plat did not show the proposed septic system for section G1-G8 which is required under the Site Plan Review Regulations. Member Lehmann also pointed out the contours were not on the plat. Mr. DiPrima stated the campground was relatively flat.

Mr. DiPrima and the Board conferred over his plats. Topics of discussion and concern centered on the fact that the campground sits on top of an aquifer. Storm water runoff and possible leakage of contaminants from campers' vehicles were concerns voiced by Member Lehmann. Member Roman referred to the "Groundwater Protection Ordinance" requirements under the Zoning Ordinance regarding the storing of Mr. DiPrima's gas and oil for his equipment.

Member Buckley suggested the Board ask Mr. DiPrima to have a clean-up protocol procedure. Member Roman agreed. She stated the Board would share the NH Green Yards' Best Management Practices with Mr. DiPrima. A brief discussion ensued.

Member Lehmann asked if Mr. DiPrima had done any type of traffic count to which he answered 'no'. Member Buckley asked if there had been any accidents where the campground driveway intersects Battle Street to which Mr. DiPrima answered 'no'. Member Lehmann also asked about trash disposal. Mr. DiPrima stated that Dockham Trucking services the campground on Fridays and Mondays. ZBA Member Barnes asked if there was a central area for the campers to bring their trash. Mr. DiPrima stated 'yes'.

Chairperson Rauth asked if there were any comments from the abutter; Mr. LaRochelle had no comments.

8:24 PM Chairperson Rauth closed the testimony and Board discussion began.

Member Buckley made a motion that the Planning Board approve the Site Plan for sites A31-A37 and conditionally approve sites shown at G1-G8 with the following conditions:

- 1) Construction does not start on G1-G8 until such time as the applicant has delivered to the Planning Board an appropriately updated Mylar showing the location of the septic system to serve those eight sites accompanied by evidence of State approval thereof.
- 2) The applicant will supply the Planning Board with a description of an approved system for the storage and securing of the gas and diesel fuel that the applicant uses for his own equipment and conditioned on his agreement that the applicant will adopt the applicable NH Green Yards' Best Management Practices and a spill clean-up plan for the campground.

At this time Member Lehmann stated those conditions, not the septic conditions, but those other conditions about Best Practices and about the storage, in that motion you have already approved A. The conditions went with G. She thought only the septic condition would go with G; those other conditions go with A. Member Buckley stated that was his intent. He stated if he did not say it that way then it was inappropriate. Member Buckley stated the only condition to the septic system plan and DES approval was that associated with G1-G8 campsites. The other conditions are immediately in effect for the entire campground including those sites A31-A37. Member Lehmann seconded the motion which was unanimously approved.

8:30 PM Hearing adjourned.

At this time the Zoning Board of Adjustment reviewed the minutes from the July 8, 2014 hearing. ZBA Member Corliss made a motion to approve the July 8, 2014 minutes as written; seconded by ZBA Member Barnes and unanimously approved.

8:30 PM ZBA Member Corliss made a motion to adjourn; seconded by Chairman Bender and unanimously approved.

8:31 PM PB Member Lehmann made a motion to adjourn; seconded by PB Member Buckley and unanimously approved.

These minutes were approved as written at the ZBA public hearing held on September 8, 2015.

Jaye Terrazzano-Bowe, ZBA Secretary