

**TOWN OF WEBSTER**  
**PLANNING BOARD**  
**MEETING MINUTES SEPTEMBER 17, 2020**

1 At **6:33 pm** Chairperson Rauth convened the regularly scheduled meeting of the Planning Board and took  
2 attendance.

3  
4 **Planning Board (PB) members present:** *Susan Rauth Chairperson, David Hemenway, Craig Fournier,*  
5 *and Paul King.*

6  
7 **Conservation Commission members (CC) present:** *Susan Roman Chairperson, Dan Moran, Mary Jo*  
8 *MacGowan, and Sally Embley.*

9  
10 **Also, present:** *Dana Hadley (Town Administrator), and Russell Tatro (Land Use Coordinator)*  
11

12 At this time Chairperson Rauth recognized the members of the CC in attendance. Chairperson Rauth  
13 stated the reason for this joint meeting was for both groups to discuss the proposed Wetlands and  
14 Watershed Protection Ordinance. She decided to move the Planning Board only items down the agenda  
15 and discuss the Wetlands Ordinance first with the CC.

16  
17 Chairperson Rauth took a moment to welcome Dana Hadley, the new Town Administrator and Russell  
18 Tatro, the new Land Use Coordinator.

19  
20 After the introductions, Chairperson Rauth moved onto the Wetlands and Watershed Protection  
21 Ordinance. She wanted to follow up on some of the questions that were brought up in the previous  
22 meeting on August 20<sup>th</sup>. The first topic she wanted to talk about was the potential impact of the proposed  
23 ordinance regarding land use. She informed the board that she had sent out maps and documents showing  
24 the proposed impact. The maps had been created by Central New Hampshire Regional Planning  
25 Commission (CNHRPC) to show the proposed wetland buffers, floodplains, and the potential land use  
26 impact.

27  
28 The first map shown was the map referred to as Wetlands Buffer. This map showed the Wetland areas  
29 marked out by the 2019 Freshwater Wetlands Report done by GeoEnvironmental Inc. (GZA); the National  
30 Wetlands Inventory (NWI) wetlands equal to or greater than a quarter acre; the proposed 100-foot  
31 wetlands buffers; and other wetlands equal to or greater than two acres that serve two or more functions.  
32 The wetlands data was overlayed onto the Webster tax map. After Chairperson Rauth finished describing  
33 the map, Susan Roman (CC) informed the boards that the wetland buffer that had two or more functions  
34 would get the level one 100-foot buffer and if they did not have two functions or more they would be in  
35 the 50-foot level two buffer. This map assumes all wetlands would meet the two or more functions for the  
36 level one buffer.

37  
38 David Hemenway (PB) asked "Do you know when the map was from?" He noticed an error in the tax  
39 overlay regarding his property. Chairperson Rauth stated she was not sure and would find out. David  
40 Hemenway (PB) suggested the board make sure the map is updated before the map was made available  
41 for public use. Chairperson Rauth and Susan Roman (CC) agreed that the map should be updated, if  
42 possible.

43  
44 Chairman Rauth then moved on to the second map referred to as Wetlands Floodplains. She explained  
45 that this map is basically the same as the first map, but it has added the 100-year floodplains. Chairperson  
46 Rauth noted that most of the floodplain land is located on federal owned land. The floodplains are another  
47 factor used to determine the impact of wetlands on land use.

1 The third map was referred to as Land Use. This map overlays the above wetland buffer with the  
2 CNHRPC map showing land use categories by lot. Some of the categories included are commercial,  
3 mixed use, residential, residential that could be subdivided, conservation, etc. Chairperson Rauth stated  
4 the that following land uses would that have likely have little to no impacted from the proposed buffers  
5 are conservation, institutional land (government owned land), roads, and utility easement land. The land  
6 types that would likely have the highest amount of impact from the proposed buffers are commercial,  
7 undeveloped land, residential, and residential that could be subdivided. Chairman Rauth asked if there  
8 were any questions.  
9

10 Mary Jo MacGowan (CC) asked, "The water didn't amount to much?" Chairman Rauth explained that it  
11 was kind of meaningless and they planned to remove it from future maps because the wetlands ordinance  
12 has zero impact on land defined as water. Susan Roman (CC) added "It's surface water." The map is  
13 being used to calculate the acreage that is bound up by the proposed wetland buffers. The wetland buffer  
14 lines are already around the water. The category served no purpose for this map.  
15

16 Chairman Rauth then moved on to the impact analysis. She stated that Craig from CNHRPC used the data  
17 provided to calculate the amount of acreage that would be impacted by land use category. Chairman  
18 Rauth handed over the description of the data to Susan Roman. Susan Roman (CC) stated the first  
19 column was for the acreage of impact if every wetland had two or more functions. The ordinance would  
20 impose buffers that equaled 1322 acres of land and that amounts to 7.2% of the total acreage in the Town  
21 of Webster. The second column assumes that all wetlands would have one or less function. That drops the  
22 percentage of total acres to 6.4% or 1171 acres of wetland buffers. She further explained that the rest of  
23 the data in each column separated land use impact by category. This data does not include vernal pools  
24 and is an estimate that is "pretty close." The floor was then opened to comments or questions.  
25

26 Craig Fournier (PB) thought this was really good information but wondered what the impact would be to  
27 individual landowners. He expressed concern as to what would happen when the "Rubber hits the Road"  
28 on this ordinance. Chairman Rauth agreed that there would be a lot of concern about "what is going on in  
29 my back yard?" She mentioned that they had created a conditional use permit process. Susan Roman (CC)  
30 brought up that they could do a lot by lot analysis. She reminded the board that existing lots would be  
31 grandfathered in, and with five acres zoning, the buffer should be manageable.  
32

33 Craig Fournier (PB) then asked about smaller lots; for example, those in Pillsbury Lake or lots two acres  
34 or less. Susan Roman (CC) stated regarding Pillsbury Lake that many of the lots would be exempt  
35 because Pillsbury Lake is already "built up." A lengthy discussion ensued about the percentage of wetland  
36 coverage that would prevent subdivision or building. The boards agreed further research on such lots  
37 would be needed.  
38

39 Chairperson Rauth stated that the data is all here, and it was time to fine tune the ordinance. The board  
40 needed to investigate the impact on property owners, how best to administer, and enforce the ordinance.  
41 She had been hoping to have enough people to take a vote but did not feel comfortable with two members  
42 absent, especially with the concern to the proposed impact.  
43

44 Chairperson Rauth brought up a message she had received from Craig Fournier (PB) stating that setbacks  
45 would be on top of the buffers. She then opened the floor to discussion on the setback requirements. Craig  
46 Fournier (PB) proposed a 30-foot setback instead of the 50-foot setbacks on lots two acres or less. Susan  
47 Roman (CC) stated that she thought would be reasonable and suggested the various setbacks should be  
48 put into a table. Paul King (PB) did not like the idea of exempting most of Pillsbury Lake and thought the  
49 rules should be applied evenly throughout the Town, based on lot size. The boards agreed that property  
50 size was the best way to categorize the setback requirements.  
51

1 David Hemenway (PB) brought up that the boards should keep future growth of the Town in mind to  
2 make sure these ordinances would last. He continued to state that if a certain percentage of the lot is  
3 covered in wetlands a lot should not be subdivided. Susan Roman (CC) agreed and stated that most  
4 Towns require that a certain percentage of land needs to be buildable to subdivide. Chairperson Rauth  
5 stated that she did not think Webster had such a provision and it warranted further research.

6  
7 Chairperson Rauth then brought up accessory structures and if they should be allowed inside the buffer. A  
8 discussion ensued on how best to define accessory structures and what types of accessory structures to  
9 allow in the buffer. The boards agreed that open structures such as gazebos might be allowed.  
10 Chairperson Rauth thought that a definition on accessory structures existed that might apply. Chairperson  
11 Rauth found the old definition and said she would send it out for both boards to review.

12  
13 Chairperson Rauth then moved onto the subject, agriculture, and animal husbandry. Dan Moran (CC) and  
14 Susan Roman (CC) had been working on that research. Dan Moran (CC) brought up that New Hampshire  
15 goes through great length to protect any form of agriculture. Susan Roman (CC) brought up information  
16 that she received from the New Hampshire Municipal Association (NHMA) in a memo from Attorney  
17 Johnston that you cannot restrict the "tilling of soil and planting of crops" but you could restrict new uses.  
18 A discussion occurred about what constitutes agriculture and what must be allowed by law. The boards  
19 agreed that we would need a second legal opinion from the Town's attorney once the drafted ordinances  
20 is completed.

21  
22 Craig Fournier (PB) brought up the issue of motorized bicycles discussed in the August 20<sup>th</sup> joint meeting  
23 and asked if they had received an answer. It was determined that the Town could not legally restrict the  
24 use of motorized vehicles on the property owner's own land.

25  
26 Chairperson Rauth opened the floor for any further questions and there were none. She then moved into  
27 planning the next joint meeting and the potential of an interim meeting between the two boards. Susan  
28 Roman (CC) asked for an idea on what the proposed schedule should be. Chairperson Rauth had hoped to  
29 have a proposed final ordinance for the upcoming October meeting. Doing this would leave enough time  
30 for the required legislative process. Susan Roman (CC) was hoping to have the draft ordinance to the  
31 attorney by November. Susan Roman (CC) stated that the Conservation Commission was going to do a  
32 summary of the ordinance and a description of the data. The final draft would be needed before these  
33 summaries could be made. Chairperson Rauth asked if the Planning Board would be comfortable voting  
34 on the ordinance. Craig Fournier (PB) thought they should go over the ordinance one more time in an  
35 interim meeting to hash out the wording and discuss the smaller lot issue. The members of the Planning  
36 Board agreed.

37  
38 Chairperson Rauth then asked the Conservation Commission if they had any thoughts or questions. Sally  
39 Embley (CC) commented that they had done a really nice job with the maps, but she wished they had  
40 been larger. Chairperson Rauth stated that it is was possible for them to get larger printed copies.

41  
42 Chairperson Rauth thanked the Conservation Commission for coming and moved on to the next agenda  
43 item.

44  
45 The next order of business was to review the driveway regulations. Chairperson Rauth stated that they  
46 had worked on some new language in a previous meeting. David Hemenway had been looking into the  
47 turning radius for long driveways. He wanted to make sure that the language was sufficient to conform  
48 with fire code. David thought that they should use language similar what he had found in other Town's  
49 driveway regulations. He had sent out samples for the board to review. Chairperson Rauth agreed. She  
50 mentioned that the Webster already had a well scrutinized process and that leaves room for the ordinance

1 to be more general. She also suggested that the board should have a vote the next time they had a public  
2 hearing.

3  
4 Chairperson Rauth took time to mentioned that work had begun on the Capital Improvement Plan with  
5 the help of the new Town Administrator Dana Hadley. She stated Bruce Johnson and Roger Becker  
6 would also be working on the plan. In the past the Planning Board had difficulty getting estimates for the  
7 public safety building. She suggested having the new Town Administrator help the Police Chief and Fire  
8 Chief come up with the estimates. David Hemenway, as the representative of the Select Board, agreed. He  
9 also mentioned that the safety building needed a new generator and had a leaky roof. He also brought up  
10 the construction of the new salt shed.

11  
12 The Final Order of Business was approving the meeting minutes from August 20<sup>th</sup>, 2020. Paul King made  
13 a motion to approve the minutes as written and Craig Fournier seconded the motion. The board  
14 unanimously approved the minutes as written.

15  
16 The meeting adjourned at 8:18 pm.

17  
18 These minutes were approved as amended at the Planning Board meeting on October 15, 2020.

19  
20 Respectfully,

21  
22  
23  
24 \_\_\_\_\_  
25 Susan Rauth

26  
27 *Minutes taken by Russell Tatro*