

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

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

Planning Board Members present: Craig Fournier, Paul King, Adam Mock, Marlo Herrick, Susan Youngs, and Theresa Finnemore.

Also, present: Land Use Coordinator Russell Tatro, Jacque Bellanger, Irvin Gordon, Mary Jo MacGowan, and Karen Czajkowski.

Chairperson Fournier opened the February 16, 2023, meeting at 6:30pm and took attendance. Alternate Member Kathy Bacon was absent. He then moved to the first item on the agenda the preliminary conceptual consultation for Irving Gordon regarding his seasonal camp on Lake Road.

Mr. Gordon informed the Board that he had purchased a camp on Lake Road after he had retired. He then briefly went over the way he had attained the camp and the relative location of the camp. He provided a map to the Board with the layout of the property and the location of his proposed driveway. His architect proposed a horseshoe driveway to make it easier to get out of the driveway safely. He pointed out that 11 other cottages on the road had either a horseshoe driveway or a turnaround and it was likely for the same safety reason. He added that this is also would be the only place he could put a driveway because of the location of his underground septic and fuel tank. He then encouraged the members of the Board to go to the site of the driveway.

Member King pointed out that the other driveways are likely grandfathered, and current regulations required at a minimum five hundred feet of frontage for a second driveway cut. Mr. Gordon responded that it was also in the regulations that the Board could make exceptions for safety concerns. Member Mock asked if it was possible to do a hammer head at the end of the driveway which would allow him to turn around. Mr. Gordon responded that it wasn't because of the size of the lot, the septic tank, and fuel tank. Member Mock and Mr. Gordon then discussed several other proposed locations that would not work due to the above mentioned problems. Member Fennimore asked if he had considered backing into the driveway. Mr. Gordon responded that it would be possible but very awkward. Member Herrick added that backing in also created a hazard on the road.

Chairperson Fournier asked if there were any further comments from the Board. Member King commented that the Board needed to be careful when granting exceptions to the rules. Mr. Gordon then read aloud the Driveway Regulation Section VI Planning Board Options Subsection D that allowed the Planning Board to make an exception when reasonable vehicular access could not be obtained. He explained that he planned on applying for a driveway permit in the future and had just wanted to explain the situation fully before the Board reviewed his upcoming application. He then thanked the Board for listening to his presentation.

Chairperson Fournier moved to the next item on the agenda, Public Hearing Case No. 22-01: Minor Subdivision Application submitted by SPE #228 LLC, 874 Battle Street. They propose to subdivide 5-13 into two lots: 5-13 = 2 acres and 5-13-1 = 3.42± acres.

Jacque Belanger the surveyor for SPE #228 LLC explained that they planned to divide the house and the barn onto its own separate parcel. The remaining lot would eventually be used to construct a single-family home. They had submitted for a driveway permit from NHDOT and had also submitted to NHDES for the approval of the septic system. Karen Czajkowski whom lived across the street at 877 Battle Street raised

her concern that the proposed driveway location would interfere with her river access easement. Mr. Belanger responded that it would not and showed Ms. Czajkowski where the easement is on the lot. Chairperson Fournier informed Mr. Belanger that that the applicant would also need to apply for local approval and he noted that the grade of the driveway would likely be over $\pm 5\%$ grade requirement and would likely require a lot of fill to make the driveway happen. Mr. Belanger responded that the applicant was aware of this and would work. Member King asked what the frontage was on each of the lots. Mr. Belanger responded that the lot to the north had 328 feet and the lot with the barn would have 327 feet. Member King also let Mr. Belanger know that the Town would not grant its permit until the State approved theirs.

Member Mock asked was there any set back from the river that they had to be concerned with. Chairperson Fournier responded the Town's regulation was 50ft and Coordinator Tatro added that the State defined 250ft as the protected shoreland. Mr. Belanger responded that when the time came to develop the lot the owner would need to apply for the permit. Member Mock asked if the State would grant the permit. Mr. Belanger responded that he did not foresee any problems with attaining a shoreland permit. Chairperson Fournier then went over the process going forward regarding the setting of the bounds, final approval, and the documents that would be required. He then asked if there were any other questions from the Board.

Member Finnemore asked if he had heard anything from NHDES regarding his application. Mr. Belanger responded that he had heard from them earlier in the day. They had commented that the wetlands had not been labeled appropriately and he had gotten them the information they had requested. Chairperson Fournier commented that he had talked to the Wetland Scientist that they hired and he had been confident with his findings. Overall, he was impressed with how well the application had been put together.

Chairperson Fournier then opened the meeting to public comment.

Mary Jo McGowen asked how the lot could be subdivided because her understanding was that new lots had to be five acres. Coordinator Tatro responded that this was "Qualifying Lot" under the current zoning ordinance regulation Article IV Section 1. This allowed the lot to be subdivided one further time with no future subdivisions allowable.

MOTION: Member Youngs

To approve Subdivision Case# 23-01 Submitted by SPE# 228 on the conditions that.

1. setting of all boundary markers per Subdivision Regulations of the Town of Webster, NH, as Amended October 17, 2019-section 8.6 Boundary Marking;
1. submission of three (3) updated paper plats;
2. submission of two (2) final Mylars;
3. submission of an approved NHDOT driveway permit
4. submission of an approved NHDES shoreland permit
5. each boundary marker shall be flagged for easy identification with surveyor's tape above grade level;
6. walking of the bounds by designated Planning Board members;

SECOND: Member Herrick

CRAIG FOURNIER – YES

MARLO HERRICK – YES

PAUL KING – YES

ADAM MOCK – YES

SUSAN YOUNGS – YES

The motion passed 5 to 0

1 Mr. Gordon asked if he could add some additional information regarding his driveway before he moved
2 to the next item on the agenda. Chairperson Fournier stated that he could. Mr. Gordon then provided the
3 Board with a copy of his NHDES approval for the driveway plan that he had showed the Board. The
4 Board thanked Mr. Gordon for the information and felt he had done a good job of presenting the
5 information.

6
7 Chairperson Fournier moved to the next item on the agenda, Junkyard Ordinance discussion.
8

9 Chairperson Fournier informed the Board that it was his goal to take a vote on the ordinance tonight.
10 Member Herrick commented that she had read through the ordinance and understood why the Board
11 should adopt it. However, she had hoped the Board could adjust some of the regulations in it. Coordinator
12 Tatro responded the Committee had drafted the ordinance as close as possible to the State Law and he
13 was not sure if anything could be adjusted. Chairperson Fournier reminded the Board that they were not
14 talking about “junky yards” but rather commercial junkyards. He then read the definition of junkyards
15 from the New Hampshire Land Use and Planning Regulations. Member Mock stated that he still had
16 reservations about the ordinance and was concerned about how it could be enforced in the future. The
17 Board then briefly went over several potential enforcement scenarios.
18

19 **MOTION:** Chairperson Fournier

20 ***To accept the draft Junkyard Ordinance.***

21 **SECOND:** Member Youngs

22 **CRAIG FOURNIER – YES**

23 **MARLO HERRICK – NO**

24 **PAUL KING – YES**

25 **ADAM MOCK – NO**

26 **SUSAN YOUNGS – YES**

27 **The motion passed 3 to 2**
28

29 **MOTION:** Chairperson Fournier

30 ***To accept the minutes from 11/17/22 as amended.***

31 **SECOND:** Member Mock

32 **CRAIG FOURNIER – YES**

33 **MARLO HERRICK – YES**

34 **PAUL KING – YES**

35 **ADAM MOCK – YES**

36 **SUSAN YOUNGS – YES**

37 **The motion passed 5 to 0**
38

39 **MOTION:** Chairperson Fournier

40 ***To accept the minutes from 1/19/23 as written.***

41 **SECOND:** Member Youngs

42 **CRAIG FOURNIER – YES**

43 **MARLO HERRICK – YES**

44 **PAUL KING – YES**

45 **ADAM MOCK – YES**

46 **SUSAN YOUNGS – YES**

47 **The motion passed 5 to 0**
48

49 **MOTION:** Member Fournier

50 ***To adjourn the meeting 7:30***

51 **SECOND:** Member Mock

1 **CRAIG FOURNIER – YES**

2 **MARLO HERRICK – YES**

3 **PAUL KING – YES**

4 **ADAM MOCK – YES**

5 **SUSAN YOUNGS – YES**

6 **The motion passed 5 to 0**

7
8 Respectfully,

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14 *Minutes taken by Russell Tatro*

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Approved as Amended 3/16/23