

**TOWN OF WEBSTER
PLANNING BOARD
MEETING MINUTES JUNE 15, 2017**

PLEASE NOTE NEW MEETING TIME IS NOW 6:30 PM

At 6:30 pm Chairperson Rauth convened the regularly scheduled meeting of the Planning Board and took attendance. Members present were Vice Chair Susan Roman, Selectman Bruce Johnson, Lynmarie Lehmann Paul King and newly appointed alternate member Craig Fournier.

Members of the public in attendance: Clayton Gillander, Kathy Bacon, Peter & Julie Smith, Keith & Tara Rutherford, Jeffrey Evans, Thomas Masland, Esq., and Peter Lawless.

Chairperson Rauth then introduced Mr. Craig Fournier, newly appointed alternate member and two prospective volunteer applicants for alternates: Mr. Clay Gillander and Ms. Kathy Bacon.

The next order of business was review of the draft minutes from the May 18th meeting. Selectman Johnson made a motion to accept the minutes as written; seconded by Member Lehmann; 5 – approved, 1- abstention (Member Roman was absent for May 18th.)

The next order of business was the review of two driveway permit applications #17-03 for lot 7-54-3 and #17-04 for lot 7-54-4 on Dustin Road, owned by both Mr. & Mrs. Keith Rutherford and Mr. & Mrs. Peter Smith. For benefit of the new alternate member and the prospective alternate members, Chairperson Rauth gave a brief explanation regarding the Driveway Regulations and the procedure for applying for a Driveway Construction Permit. Vice Chair Roman gave a brief history of the two Dustin Road lots. They were the result of a Planning Board approved subdivision in 1988. Member Lehmann stated that after subdivision, the lots had never been built upon. Vice Chair Roman stated those lots were just purchased recently. She referred to the paper plot from the original subdivision application pointing out the two lots to the Board. Continuing with the overview, Vice Chair Roman stated that prior to submission of the driveway applications the lots had been completely cleared of trees. Referencing the plat, it was determined that there is a very steep slope; wetlands delineated and a stream on those lots. Vice Chair Roman stated that several people from the Planning Board and the Conservation Commission visited the site at different times. Due to proposed house and driveway constructions, Member Lehmann clarified there would be some type of minor impact potentially to the wetlands. Vice Chair Roman stated the property owners were planning on pushing the very steep slope down into the wetlands and then level everything off. She added that review of the driveway applications would determine whether the Planning Board can approve them without wetland permits or not and if not, what kind of letter the Board will need to send to the property owners.

Vice Chair Roman stated that the property owners had been asked to attend the Conservation Commission meeting June 14, 2017. Vice Chair Roman is also a member of the Conservation Commission and she stated she explained to the property owners at that meeting that the Planning Board would be discussing the potential need for a wetlands permit. She stated that the Conservation Commission also will be walking the property with the owners. Member King will be going along with them. Vice Chair Roman stated the other lot 7-54-3 has an issue with the driveway sight line, but the bigger issue would be the wetlands permits. Vice Chair Roman stated that her understanding from talking with people from the State of NH Department of Environmental Services (DES), because the wetlands delineation on the 1988 plat is more than five years old,

the property owners will need a new wetlands delineation which is an Army Corps federal law. The property owners will need to hire a Wetlands Scientist to re-delineate the wetlands. New drawings and a new plat will have to be submitted showing where the intended driveway and house are to be. Following a brief discussion, property owners, Keith and Tara Rutherford and Peter and Julie Smith arrived.

Vice Chair Roman asked Mr. Rutherford to show the Board where on the plat the driveways and the houses were going to be. Member Lehmann asked how long the driveway was going to be on lot 7-54-3; he answered 450 feet. After a brief discussion, Vice Chair Roman suggested that the Board approve the driveway application for the other lot 7-54-4. She stated that there was a pond on that lot but was not a Shoreland Protection issue given the size of the pond. Vice Chair Roman stated that there had been mentioned cutting trees near the pond; she stated she didn't think the trees needed to be cut; they actually secure the bank. She stated she thought they were an integral part of the wetland and did not cause a problem with the line of sight. After a brief discussion, Vice Chair Roman made a motion to approve Driveway Application #17-04 for lot 7-54-4 and not alter anything for the line of sight; seconded by Member Lehmann and approved unanimously. This approval and discussion included the assumption that there would be no more cutting of trees around the pond on lot 7-54-4.

Member Lehmann asked Mr. Rutherford if he had been to DES to get a permit for dredging and filling. Mr. Rutherford stated he had been at DES all day. He stated that the person he spoke with did not have a problem with what the property owners are trying to do. He suggested the owners get in touch with a wetlands scientist. Member Lehmann clarified that the property owners had not yet submitted an application for a dredge and fill permit; Mr. Rutherford stated they had not because this issue for discussion had not come up until last night. Vice Chair Roman stated the wetlands scientist will delineate the wetlands and plot them. She added that the property owners can overlay what they want to do and then get the proper permit(s). Mr. Rutherford stated that the person he spoke with told him the work may require two culverts. Mr. Rutherford stated he had gotten in touch with a wetlands scientist earlier in the day. Vice Chair Roman stated that once the delineation was done, the property owners will need a permit for alteration of terrain and one for dredge and fill. She also gave Mr. Rutherford names of people at DES in charge of those departments. By consensus, the Board tabled the approval for driveway permit application #17-03 for lot 7-54-3 until all permits are in place, then the property owners can bring the application and the permits before the Board. The Board thanked the property owners for coming in.

The next order of business was the review of **Case No. 17-03 Lot Line Adjustment/Annexation application from the Frederic R. Dawe Trust, involving lot 1-18 (465 White Plains Road) and 1-19 (477 White Plains Road) both lots owned by the trust.** Mr. Jeffrey Evans, licensed surveyor, and agent for Mr. Thomas Masland, Esq., Trustee of the trust made presentation to the Board. Mr. Evans explained the transfer of .061 acres and 159.54 feet of road frontage area from lot 1-18 to lot 1-19 and .061 acres and 214.92 feet of road frontage area from lot 1-19 to lot 1-18 which will not create a new lot and leaves each lot with the original acreages of 6 and 5 acres respectively and in addition a permanent right of way for access to lot 1-19 over an existing driveway on lot 1-18. After a brief discussion, Member Lehmann made a motion to accept the lot line adjustment as plotted on the application plot subject to submission of two Mylars and walking the bounds; seconded by Vice Chair Roman and approved unanimously.

The next order of business was the review of **Case No. 17-04 Lot Line Adjustment/Annexation application from Peter and Denise Lawless of 187 White Plains Road involving lots 2-42 and 2-43 both owned by the Lawlesses.** Mr. Jeffrey Evans, licensed surveyor and also the agent for Mr. & Mrs. Lawless made a

presentation to the Board. Mr. Evens explained the transfer of 2.36 acres from lot 2-42 to lot 2-43; decreasing lot 2-42 to 5.01 acres and increasing lot 2-43 to 11.00 acres which will not create a new lot. After a brief discussion, Member Lehmann made a motion to accept the lot line adjustment as plotted on the application plot subject to the submission of two Mylars and walking the bounds; seconded by Member King and approved unanimously.

The next order of business was the review of a **Notice of Voluntary Merger Form from the Robert H. Austin Revocable Trust involving lots 4-32-2 and 4-34 on Pond Hill Road.** The Board reviewed the tax maps and after a brief discussion, Member Lehmann made a motion to accept the voluntary merger; seconded by Vice Chair Roman and approved unanimously.

At this time Chairperson Rauth presented the Board with follow-up information to a previous annexation regarding the use of rebar vs. granite bounds. She stated the surveyor did not know the Town of Webster required granite bounds. Granite bounds can be waived by the Planning Board in certain circumstances. Chairperson Rauth stated the Board had conditionally approved the application based on hearing back from the surveyor about the regulations' requirement of granite bounds. Chairperson Rauth stated the surveyor said he always used rebar because it can always be found by using a metal detector and it is less expensive than granite. Alternate Member Fournier stated that rebar moves; it can be broken off. Member Lehmann stated she would not be inclined to grant a waiver. Chairperson Rauth stated the landowner and the surveyor have asked for a waiver since they have already completed the project. Member Lehmann stated they can go back and put in the granite bounds, too. After a brief discussion, Member Lehmann made a motion that the Planning Board not waive the requirement that the bounds be set in granite; seconded by Member King and approved unanimously. Chairperson Rauth stated the Board would send another letter.

At this time Chairperson Rauth suggested to the Board that a couple of members should become familiar with inspecting driveways after submission of the driveway applications. Member King has been doing it since Jere Buckley retired. She stated Member King had been doing a great job but she felt more people should be familiar with the process and really understand the regulations. So for the time being when Mrs. Larson receives any driveway permit applications she will let the Board know and the application (s) will be reviewed at the Planning Board meetings. After a brief discussion, Vice Chair Roman stated that the driveway applications discussed earlier brought up another topic she would like to talk about in the future – unsuitable land. Vice Chair Roman voiced concerns about the *Subdivision Regulations* not addressing wetlands permits for minor subdivisions and also who makes sure the proper permits are in place in order to have building permits issued. Member Lehmann added that having better enforcement would make sure those permits would be in place. A brief discussion followed.

The next order of business was an update to the Board on the CIP project. Chairperson Rauth gave an overview of what the CIP project is for, i.e., looking at large projects in terms of dollar amounts over the next six years so the Town can plan in advance for budgeting purposes and to keep the tax rate stable. Chairperson Rauth stated she anticipates the project will be presented to the Board sometime in September or October 2017. She wants to get it to the Select Board by the end of October. Selectman Johnson stated the second meeting of the month would be better because the first meeting of the month the Select Board spends more time with the department heads. Chairperson Rauth stated that an application and a letter have been sent out to all the department heads boards and committee chairs. The applications are due back to Mrs. Larson at Town Hall by June 30, 2017. Then the CIP Subcommittee will be able to put together what the departments anticipate over the six year period 2018-2023. Chairperson Rauth stated the subcommittee was also working on another piece as to how they can

estimate highway and roads and maintenance. She explained that this subcommittee of the Planning Board will be putting the document together; the Planning Board actually approves it and then turns it over to the Select Board.

Chairperson Rauth stated that the Master Plan was another big effort that has been ongoing. The Community Survey can be done on line or available by hardcopy from the Town Hall and the Library. Chairperson Rauth stated that 170 surveys had been done on line and Mrs. Larson stated a couple of hardcopies had been turned in.

A brief discussion ensued about finishing the update of the Subdivision Regulations.

At 8:06 pm Member Lehmann made a motion to adjourn; seconded by Selectman Johnson and approved unanimously.

These minutes were approved as amended at the July 20, 2017 Planning Board meeting.

Respectfully submitted

Susan Rauth, Chairperson