

**TOWN OF WEBSTER
PLANNING BOARD
MEETING MINUTES AUGUST 20, 2020
(Due to COVID-19 Pandemic meeting held via ZOOM)**

6:33 pm Planning Board Chairperson Sue Rauth convened the regularly scheduled meeting and then took attendance for the Planning Board. Roll Call: ; Paul King – present; Craig Fournier – present; Kathy Bacon – present and David Hemenway Ex Officio Select Board Member – present; Lynmarie Lehmann – absent. Chairperson Rauth appointed Alternate Member Bacon to serve as a voting member due to the absence of Member Lehmann.

Also Present: Emmett Bean, Road Agent and Volunteer Fire Chief for the Town of Webster.

Members of the public present: David MacAllen, Agent for Patricia MacAllen, applicant; Jeffrey Evans, surveyor; Karen Czajkowski, abutter; Sam Presutti, abutter.

Also present were members of the Webster Conservation Commission: Susan Roman, Chairperson; Christine Schadler; Dan Moran; Sally Embley; Linda Clark; Isabel Brintnall and Mary Jo MacGowan.

At this time Chairperson Rauth deferred the review of the draft minutes from July 16, 2020 until closer to the end of the meeting.

6:35 pm Chairperson Rauth opened the public hearing:

PUBLIC HEARING PB CASE NO. 20-03: Notice is hereby given in accordance with RSA 676:4 & 675:7 that the Webster Planning Board will hold a public hearing VIRTUALLY for a Lot Line Adjustment/Annexation Application between the Town of Webster and David MacAllen, Ltd. Power of Attorney for Patricia MacAllen, surviving trustee of the James and Patricia MacAllen Revocable Living Trust, for properties located on tax map 5 lots 29 and 29-1. The hearing will take place on Thursday, August 20, 2020 at 6:30 pm. Should a decision not be reached at the public hearing, this application will stay on the Planning Board agenda until such time as it is either approved or disapproved.

At this time Chairperson Rauth explained the public hearing procedure. The first step was for the Planning Board to review the application documents for completion. Chairperson Rauth reviewed each page of the application. Member King asked about the purpose of this application with the town. Chairperson Rauth stated that would be explained later on during the hearing. Acting Member Bacon inquired about the two waivers that were checked off on the Checklist. Mr. Evans, the surveyor, requested on behalf of the applicants a waiver from #12. *to show on the plan existing and proposed contour lines*, and #13. *to show on the plan dotted line indication of all soil type boundaries*. His written statements for each of these said, “This requirement isn’t serving any purpose for this particular lot line adjustment application.” Acting Member Bacon stated that was the only question she had regarding the completeness of the application. She was satisfied with the written statements and Chairperson Rauth’s explanation that the applicant/agent are allowed to request waivers per the Subdivision Regulations. Chairperson Rauth asked if there were any more questions from the Board about the completeness of the application. There were no other questions. Chairperson Rauth took roll call to approve or not approve the completeness of the application: Paul King – yes approved; Craig Fournier – yes approved; Kathy Bacon – yes – approved; David Hemenway – yes approved; Susan Rauth - yes approved. Completeness of application was unanimously approved.

Chairperson Rauth moved to the second phase of the public hearing and invited Mr. Jeff Evans, surveyor to present the Lot Line Adjustment/Annexation to the Board.

Mr. Evans stated: “This is a basic everyday type of a lot line adjustment; nothing particularly unusual about it. It is between the MacAllen Trust and Town of Webster. Town is going to acquire the remainder of the property that the MacAllens are basically separating from their house lot and they are going to keep 17 acres and the town is going to

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acquire 41. I think that pretty well sums it up. There is nothing on the plan that presents any type of development scheme for the town's parcel; that would have to come up at a separate meeting. I guess that is all. Any questions?"

Member Fournier stated he had one question regarding a new post along the southern boundary. He asked Mr. Evans as to why he did not tie it into an existing corner. Mr. Evans stated because he was held to 17 acres by the parties involved. Member Fournier asked if the post had been put in. Mr. Evans said it had been done. It is an iron rod with a survey cap. He stated it was shown on the blown up section of the plan as being set. Member Fournier accepted Mr. Evans explanation.

At this time, abutter Sam Presutti began questioning the Board. Chairperson Rauth asked him to wait until the Planning Board asked a few more questions. She stated public hearing would be opened up for public comment in a few minutes. She explained that Public Hearings have to be conducted in a certain order. Mr. Presutti understood and was agreeable. Chairperson Rauth then asked if there were any more questions from the Planning Board for Mr. Evans or perhaps Christine Schadler. Chairperson Rauth invited Ms. Schadler to talk about the purpose of this lot line adjustment. Ms. Schadler stated that the town's salt shed was poorly located along the banks of the Blackwater River. There have been impacts to the wetlands. She stated that for a long time in the town's history, there has been talk about moving the shed somewhere else in town. Two years ago, when Ms. Schadler was elected to the Select Board, then chairman, Mike Borek assigned the job of finding a piece of land to move the salt shed to, to Ms. Schadler. She stated a subcommittee of the Select Board was formed which included about eight members and Emmett Bean, Road Agent and Volunteer Fire Chief for the town. The subcommittee met several times over the last two years talking with a number of property owners, some of whom were interested in selling land to the town. Ms. Schadler stated the subcommittee walked those lands, but for one reason or another none of the lots they walked were appropriate, mostly because of the presence of wetlands or lack of access. Mr. Bean agreed with Ms. Schadler's assessment. She stated that all along the most ideal place was behind the town's Public Safety Building. She approached Mr. David MacAllen, son of the owner of the abutting property to the Public Safety Building. After communications and negotiations with Mr. MacAllen's mother and himself, they settled on the amount of acreage to be annexed to the town's property and a purchase and sales was completed. Ms. Schadler then explained that a large amount of the land at the back of the lot to be annexed to the town may never be used because it abuts conservation land and Mrs. MacAllen, David's mother, very much wants the back part of the land to be conserved. The people of the town of Webster could walk back in there and hike around. Ms. Schadler has done that with one of the abutters. She stated it was truly beautiful back in there.

Chairperson Rauth thanked Ms. Schadler for her comments. She asked if there were anymore questions from the Planning Board; there were no further questions. Chairperson Rauth opened the public hearing to take comments from abutters and other interested parties.

At this time Chairperson Rauth recognized Mr. Sam Presutti, abutter from lot 5-30-9 on Call Road. Mr. Presutti asked would the purchase of this land increase the tax rate? Ms. Schadler answered, "No". She explained the monies for the purchase of the land will be coming from a Capital Reserve Fund that the town has been contributing to over the years for just such a purchase. Mr. Presutti then referred to the plot plan and asked about there being one residential dwelling on the lot. It was explained to Mr. Presutti that Mr. MacAllen's house was already in existence – no new dwellings were going to be built. Mr. Presutti then asked would the building of the new salt shed follow all EPA standards? Ms. Schadler responded, "Absolutely." Mr. Presutti then inquired about a pin that was on his property. He asked if it was adjacent to his lot or the one over from him. Mr. Evans stated it was adjacent. Mr. Presutti stated that he and his wife were satisfied. Chairperson Rauth thanked them for coming to the meeting. David Hemenway, Ex-Officio Select Board Member clarified Mr. Presutti's previous question about the pin with Mr. Evans, that the pin is actually on the boundary line. Mr. Evans responded in the affirmative that was correct.

At this time Chairperson Rauth recognized Karen Czajkowski, abutter from lot 5-28 on Battle Street. She asked where the access road would be for the salt shed. Mr. Bean stated they will use the existing driveway they go in and out of at the safety building. He stated there is currently a dirt road on the left hand side of the safety building that goes right up into

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the hill behind the complex. So, there will not be a need for another access onto Battle Street at this time. Ms. Czajkowski then asked how many acres it will be to build a salt shed. Mr. Evans stated they do not know yet; that is to be determined in the future. He stated there were no plans here for the salt shed; this application is not for the salt shed. Ms. Czajkowski accepted the responses. She had no more questions. Member Hemenway clarified that the application was just for the lot line adjustment.

Mr. Presutti asked if there would be another meeting before the salt shed was built just to make sure it stays behind the Safety Building. Mr. Evans stated they cannot consider that there has been no approved plans by DES at this point. Mr. Presutti stated he understood that. His concern was if someone suggests moving the salt shed further into the 41 acres, then would the abutters be notified? Mr. Evans stated, "Definitely."

Chairperson Rauth then asked if there were any more comments. Mrs. Larson informed the Board that Mr. Ray Perkins, abutter from lot 5-14-3 on Battle Street, had called earlier in the week. He could not attend the ZOOM meeting but wanted the Board to know that he was OK with the proposed lot line adjustment.

7:12 pm Chairperson Rauth closed the public hearing to public testimony and opened it for Planning Board deliberation. Member King thanked all the people involved in getting this done. There were no more comments/or questions from the Board. Member Fournier made a motion to approve the Lot Line Adjustment between the MacAllen Family and the Town of Webster as presented subject to the Planning Board walking the bounds; seconded by Acting Member Bacon. Roll Call: Paul King – yes approved; Craig Fournier – yes approved; Kathy Bacon – yes approved; David Hemenway – yes approved; Susan Rauth – yes approved; unanimously approved.

7:14 pm Public Hearing adjourned.

7:15 pm Chairperson Rauth reconvened the Planning Board meeting. The next order of business was the Joint Meeting between the Planning Board and the Webster Conservation Commission (WCC) to review the proposed draft Wetlands and Watershed Protection Ordinance.

At this time Susan Roman, Chairperson of the WCC, took attendance. The names of those members in attendance are listed at the beginning of these minutes.

At this time, the PB and WCC reviewed the minutes of July 16, 2020 from their Joint Meeting. WCC Chair Roman had one correction to change *Wetlands and Surface Water Protection Ordinance* to **Wetlands and Watershed Protection Ordinance**. She also needed clarification as to what OHRV stood for. It means Off Highway Recreational Vehicle.

WCC Moran made a motion to accept the minutes as amended; seconded by Member King. PB Roll Call: : Paul King – yes approved; Craig Fournier – yes approved; Kathy Bacon – yes approved; David Hemenway – yes approved; Susan Rauth – yes approved; unanimously approved. WCC Roll Call: Susan Roman – yes approved; Christine Schadler – yes approved; Dan Moran – yes approved; Sally Embley – yes approved; Linda Clark – yes approved; Isabel Brintnall – yes approved; Betsy Janeway – yes approve; MaryJo MacGowan – yes approved; unanimously approved.

Chairperson Rauth referred to an updated version of the draft ordinance that had been distributed via email. She also had a compilation of the questions and comments that were submitted via email from both groups since the July 16th Joint Meeting.

The first topic was the Format and Organization of the Ordinance. Chairperson Rauth stated the majority of the comments were about the format, length, and organization of the document. She stated that an ordinance document is separate from a public information or educational campaign document. She stated the document is a law and therefore must be written with a certain format and language. It is not meant to persuade, inform, or educate people. Some people

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thought it was too long. PB Chair Rauth stated part of the reason it is lengthy is because it not only outlines the ordinance, it defines the district and the uses permitted and the prohibited uses. It also includes the process for the Conditional Use Permit (CUP). This is a brand new administrative process, so it has to be explained in a lot of detail. Other ideas that were presented are feasible, i.e., to include a summary and overview. PB Chair Rauth added there will be information available in the future on the website. Some of these things will be part of the public information campaign that the WCC will be taking the lead on. There will be articles maybe in the Grapevine, video presentations, etc. PB Chair Rauth stated there will not be any type of appendix because that is not part of an ordinance format. She added that the back-up reference materials and maps will also be on the website for the public to access.

At this time WCC Chair Roman stated she did not want to understate how important all the reference materials are. And they will be available when this ordinance is brought before the town and they will be available on the website and part of any packet that anybody gets to make the CUP application. After a brief discussion, WCC Chair Roman assured the two groups that there will be plenty of supplemental material for the public to review in order to understand what is going on.

PB Chair Rauth continued with the next subheading of “Typos”; those have been fixed. Next was the subject of setbacks. There is a difference between a buffer and a setback. The definitions are in the front of the ordinance. WCC Chair Roman stated the buffers are intended to be naturally vegetative areas - the plant life - that stop sediments from flowing into the wetlands and removes polluting nutrients and other polluting substances. She stated the health of the wetland is directly related in how well it is protected to how well that buffer is maintained in its natural state. The wetland plus the buffer make up the district. Uses within the district are regulated. There are some permitted uses. There are some prohibited uses and there are uses by CUP. The intention is to not disrupt that natural vegetation that is so important; that is the key to protecting the wetlands. She stated they have a lot of scientific evidence regarding the width of the buffers they have chosen. WCC Chair Roman stated the setback is not a general use regulation; setbacks are subject to different legal standards. What the setback is needed for is to keep buildings – primary dwelling and accessory structures and tanks that might leak – away from the buffer. At this time PB Member Hemenway suggested that all setback definitions be in one place of the Zoning Ordinance to make it easier for the public. WCC Chair Roman stated she would have to think about that; the definitions could be in both articles. She could not give a definitive answer at this time; she would have to take in to consideration how that would affect complications of grandfathering. A brief discussion followed.

PB Chair Rauth continued with the next subheading which was “Activities that are Permitted in the District.” She stated a comment was put forth if any given activity in the buffer is allowed, such as making trails, do you also have to outline what uses can be allowed on a trail. She stated she had been paying attention to this during the last month when she has been hiking. It looks to her that it is very common practice on public land, parks, and conservation areas and even on private land that has been set aside, to restrict the type of traffic allowed. Signs are posted. She stated the Rail Trail System does not allow motorized vehicles. She asked WCC Chair Roman if it was typical to list all the uses permitted in an ordinance like this. WCC Chair Roman answered in the affirmative. PB Member Hemenway stated that question was his. He stated his question was more along the line of how to enforce this. After a brief discussion, WCC Chair Roman stated that just because it is hard to enforce does not mean you do not have a law. She stated a lot of people do abide by the law. At this time WCC Chair Roman asked if WCC Member Moran would ask his wife, who is on the board of SPNHF, about information they may have about using motorized vehicles on SPNHF conservation land and what their experience with enforcement has been. WCC Moran stated he would follow-up. After a brief discussion, PB Chair Rauth stated they would try to learn more about what SPNHF and other towns do. WCC Chair Roman’s concern was about keeping the vegetative buffer as best as we can; the more it is opened up to use exceptions the more they will have to try to enforce it.

PB Chair Rauth stated the last comment was about the impact of the ordinance regarding Webster’s small town and natural charm, i.e., limiting building and people coming in to enjoy the areas. She felt the ordinance would protect what the town already has and thereby preserving the small town feel and natural charm and protection for the future residents of the town. She stated another issue was the economic impact, i.e., how much land in the town would be impacted by this ordinance. After a brief discussion, WCC Chair Roman stated that to be prepared to give a good justification for this

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ordinance to the town, we have to assess approximately how many lots are already grandfathered, how much of it is already in conservation. And we will have to look at special cases like Pillsbury Lake. Acting Member Bacon stated she felt they should do the study that shows how many properties will be affected. WCC Chair Roman stated there were not any regulations for protecting the town's wetlands. She stated the wetlands are resources that protect the quality of water. These resources interact with groundwater. A brief discussion followed.

PB Chair Rauth brought up the topics of animal husbandry and agricultural uses. She stated that some people felt strongly that there should not be any animal husbandry in the district because of the waste from animals. WCC Member Brintnall stated she was not sure she knew what animal husbandry was. PB Chair Rauth read definitions from **RSA 21:34-a Farm, Agriculture, Farming**. She stated the definitions were very, very broad. A brief discussion followed.

At this time PB Chair Rauth stated this could be the last Joint Meeting of the two groups or they could meet again. She asked the two groups if they wanted to meet again one more time as there were more decisions to be made. After a lengthy discussion, the Joint Subcommittee will have a meeting in sometime in September or October to review the final draft of the ordinance. In the meantime, a list of outstanding projects will be distributed and most importantly research will be done to develop an impact study. WCC Chair Roman proposed to PB Chair Rauth that they make up an agenda for the Joint Subcommittee.

The joint subcommittee members are: Susan Roman, Sally Embley, Dan Moran, Isabel Brintnall, MJ MacGowan, Susan Rauth, Craig Fournier, Lynmarie Lehmann, and David Hemenway.

8:49 pm Meeting adjourned.

These draft minutes were prepared by Therese E. Larson, Land Use Coordinator.