

TOWN OF WEBSTER
PLANNING BOARD
MEETING MINUTES THURSDAY SEPTEMBER 15, 2022

1 The Planning Board held a meeting on Thursday, September 15, 2022. The meeting was held at the Town
2 Hall in the Grange Hall; 945 Battle Street, Webster, NH 03303.

3
4 **Planning Board Members present:** Craig Fournier, Paul King, Adam Mock, Marlo Herrick.

5
6 **Also, present:** Land Use Coordinator Russell Tatro, Nancy Rosborough.

7
8 Chairperson Fournier opened the September 15, 2022 meeting at 6:30pm and took attendance. Member
9 Susan Youngs and Alternate Member Kathy Bacon were absent. He then moved onto the first item on the
10 agenda, the Impact Fee Appeal request from Nancy Rosborough.

11
12 Ms. Rosborough informed the Board that she had purchased and built a single-family home at 1539 Battle
13 Street. She had been assessed the Town's impact fee because her lot had been vacant. It came to her
14 attention later that the Town had an exception to the impact fee for properties that were rebuilt due to a
15 fire. She did not feel that the Town intentionally charged her the fee, but she felt that impact fee was
16 issued in error. Chairperson Fournier asked if the previous property owners had paid an impact fee.
17 Coordinator Tatro responded that he thought the house had existed before the Town adopted its zoning
18 ordinance. Member Mock then confirmed that the prior house had existed prior to zoning.

19
20 Chairperson Fournier asked what the reasoning behind conclusion was that she should not have to pay the
21 impact fee. Ms. Rosborough responded because of an article on page 23 of the Town's Zoning Ordinance
22 that exempted the paying of impact fees for the replacement of homes due to fire. Member Mock asked if
23 the house had been torn down by the previous owners. Ms. Rosborough responded that she was not sure
24 and had assumed that the Town had torn it down around 2009. Coordinator Tatro responded that the
25 Town would not have taken it down and the owner had it removed. He then read aloud Article XI Impact
26 Fees Section B New Development stated that *"new development shall not include the replacement of an*
27 *existing mobile home or the reconstruction of a structure that had been destroyed by fire or natural*
28 *disaster where there is no change in its size, density, or type of use and where there is no net increase in*
29 *demand on the public capital facilities of the Town of Webster."*

30
31 Member King thought that because the new structure was different than the previous structure that the
32 ordinance would not apply. Member Mock asked how many times the property had switched hands. Ms.
33 Rosborough responded that it had switched hands approximately three times before she had taken
34 ownership. Member Herrick commented that there were many lots in Town that had old foundations or
35 may have supported a structure in the past. Member King thought that there was a law that stated existing
36 uses expired after two years if not continued. Coordinator Tatro responded that the law only applied to
37 non-conforming uses. Ms. Rosborough pointed out that the Town's Ordinance did not specify a time
38 limit.

39
40 Chairperson Fournier informed the Board that Coordinator Tatro had reached out to the Town's Attorney
41 regarding the matter, and he read out loud the e-mail response from the Town's attorney. The Board then
42 discussed several other scenarios that might call the impact fee into question, and they worried about
43 setting a precedent. Member Mock felt that the Board should do more research before they made a final
44 decision and the Board agreed. Chairperson Fournier suggested that he would contact the Central New
45 Hampshire Regional Planning Commission and Coordinator Tatro would set up a time to meeting with the
46 Town Attorney.

47
48 **MOTION:** Chairperson Fournier

1 *To do further research by contacting the Central New Hampshire Regional Planning Commission and*
2 *to set up a meeting with the Town's Attorney.*

3 **SECOND:** Paul King

4 **CRAIG FOURNIER – YES**

5 **MARLO HERRICK – YES**

6 **PAUL KING – YES**

7 **ADAM MOCK – YES**

8 **The motion passed 4 to 0**

9
10 The Board informed Ms. Rosborough that they planned to make the decisions at the next scheduled
11 meeting in October.

12
13 Chairperson Fournier moved to the next item on the agenda, the NHMA legislative update.

14
15 Coordinator Tatro updated the Board on the recent legislative updates regarding application timelines,
16 decision requirements, and notification changes.

17
18 Chairperson Fournier moved to the next item on the agenda, NHDOT response regarding the DeBello
19 Driveway.

20
21 The Board discussed the NHDOT response that had denied the DeBello Driveway. The Board discussed
22 the line of sight issued. Member King stated that the Town's requirements were for 100ft line of states,
23 and the State required 300ft. He added that based on this he would not sign off on the permit.

24
25 Chairperson Fournier moved onto the next item on the agenda, the code enforcement follow up.

26
27 Coordinator Tatro informed the Board that he had drafted the letter as requested and it needed to be
28 signed by the Board before being mailed. The Board reviewed the letter and signed it.

29
30 Chairperson Fournier moved to the next item on the agenda, motion to amend the site plan & subdivision
31 regulations.

32
33 Coordinator Tatro informed the Board that they needed to make the motion and sing the amendment to
34 the site plan and subdivision regulations that the Board had the Public Hearing on at the previous
35 meeting. The Board also needed to sign the certificate of adoption for the Town Clerk's records.

36
37 **MOTION:** Chairperson Fournier

38 *To adopt the amendments to the Subdivision & Site Plan Regulations made at the August 18, 2022*
39 *Public Hearing of the Webster Planning Board as necessary to comply with the requirements of the*
40 *National Flood Insurance Program.*

41 **SECOND:** Paul King

42 **CRAIG FOURNIER – YES**

43 **MARLO HERRICK – YES**

44 **PAUL KING – YES**

45 **ADAM MOCK – YES**

46 **The motion passed 4 to 0**

47
48 Chairperson Fournier moved to the next item on the agenda, CIP meeting scheduling.

49
50 The Board discussed potential dates to hold the first CIP meeting and the Board agreed to schedule the
51 meeting for October 27, 2022 at 6:30pm.

1
2 **MOTION:** Member Herrick
3 *To approve the minutes from 8/19/22 as written*

4 **SECOND:** Chairperson Fournier

5 **AMENDMENT:** Member King – *as written*

6 **CRAIG FOURNIER – YES**

7 **MARLO HERRICK – YES**

8 **PAUL KING – YES**

9 **ADAM MOCK – YES**

10 **The motion passed 4 to 0**

11
12 Member King wanted to add language to the Driveway Regulations or Building Permit Application that
13 required the final driveway approval before a Certificate of Occupancy could be granted. The Board
14 discussed the topic and agreed it should be. Coordinator Tatro stated that he would add the language to
15 the Building Permit Application.

16
17 **MOTION:** Member Herrick

18 *To adjourn the meeting at 7:52pm.*

19 **SECOND:** Chairperson Fournier

20 **CRAIG FOURNIER – YES**

21 **MARLO HERRICK – YES**

22 **PAUL KING – YES**

23 **ADAM MOCK – YES**

24 **The motion passed 4 to 0**

25
26
27 Respectfully,

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29
30
31 _____
32
33 *Minutes taken by Russell Tatro*