

TOWN OF WEBSTER
PLANNING BOARD
MEETING MINUTES THURSDAY OCTOBER 20, 2022

1 The Planning Board held a meeting on Thursday, October 20, 2022. The meeting was held at the Town
2 Hall in the Grange Hall; 945 Battle Street, Webster, NH 03303.

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

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7 **Also, present:** Land Use Coordinator Russell Tatro, Nancy Rosborough, Benjamin Faxon.

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9 Chairperson Fournier opened the October 20, 2022, meeting at 6:30pm and took attendance. Alternate
10 Member Kathy Bacon was absent. He then moved onto the first item on the agenda, the Impact Fee
11 Appeal request from Nancy Rosborough.

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13 Chairperson Fournier thanked Ms. Rosborough for coming to the meeting. He then informed her that the
14 Board had contacted the Town Attorney about this matter. The Attorney told the Board that even though
15 there was not a timeframe on the section of the ordinance the new structure did not have the same location
16 or footprint and therefore did not meet the strict requirements for a reconstruction of the previous home.
17 Ms. Rosborough responded that if you looked at the old property card the new home size was
18 comparable, and both had the same number of bedrooms. Member Youngs added the Town Attorney also
19 stated that because an impact fee was not in effect when the prior home was built that any construction
20 that happened after its implementation had to abide by the current ordinance. Ms. Rosborough asked when
21 the ordinance was put into place. Member Mock responded that it was some time in the early 2000s.

22
23 Ms. Rosborough said the property burned in 2009 and the impact fee ordinance had an exception for
24 reconstruction of houses due to fire. Member Mock asked if the house had been burnt down or was it torn
25 down. He recalled that the owner of the previous house had been in the process of tearing down the house
26 when the debris had caught on fire. Ms. Rosborough stated that she had talked to the Fire Chief and there
27 were varying stories on whether the building had been standing at the time of the fire. She had also talked
28 to the previous owner, and he said, "it was about 50/50" and the house was still standing when it had
29 caught fire.

30
31 Chairperson Fournier asked if there were any other comments. Member Mock commented that the lot had
32 also been vacant for approximately 14 years prior to her building. Ms. Rosborough responded that it had
33 been vacant since 2009 and that was about 11 years. Chairperson Fournier pointed out that the ordinance
34 did not specifically state a timeframe for rebuilding. Member Mock felt that the fact that the previous
35 owner had taken down the house mattered. Chairperson Fournier felt that the new structure was not a
36 rebuild of the previous structure because it had not been built on the original foundation and the
37 dimensions had changed. He also pointed out that the impact fee for the previous home had never been
38 paid.

39
40 Ms. Rosborough asked if the previous owner had decided to rebuild after the fire would he have had to
41 pay the impact fee. Member King responded yes; he would have had to pay an impact fee on that
42 property. The Board agreed. Member Mock added that the property had also changed owners three times
43 before Ms. Rosborough purchased it. Member Youngs wondered how this would affect other lots in
44 Town. Coordinator Tatro pointed out that the Board should only take into consideration the appeal that
45 was before them and what happened on other lots was immaterial to the discussion.

46
47 Ms. Rosborough had asked the Town's Building Inspector about the impact fee and he had responded that
48 he didn't deal with the Town's impact fees. Chairperson Fournier responded that this sounded about right
49 and asked if the Board wanted to take a vote.

1 Member Mock was still considering how to decide. He wished the Fire Chief was at the meeting so he
2 could ask him questions about the fire. The way he remembered the fire was that the owner had been in
3 the process of tearing down the house when it had caught fire. Member Mock asked if the previous
4 owner had intended to rebuild the house after the tear down. Ms. Rosborough responded that she had not
5 asked the previous owner. Member Mock asked if she had bought the property from previous owner of
6 the house. Ms. Rosborough responded that she had not because it had changed hands since then. Member
7 Mock felt he was ready to make his decision after hearing the lot had changed ownership several times
8 before Ms. Rosborough had bought it. He then asked Ms. Rosbourogh if she had bought the land as
9 vacant. Ms. Rosborough responded that there had been no house on the land when she bought it. Member
10 Herrick felt that it would have been a completely different situation if the house had been still standing.
11 Member Fournier interpreted the ordinance that the owner would need to rebuild on the same footprint as
12 the previous home. Member Mock felt that because the previous homeowner had been tearing down the
13 house prior to the fire and because the lot had passed hands several times as vacant land before Ms.
14 Rosborough had purchased it that an impact fee should have been charged.

15
16 Chairperson Fournier asked if there were any additional comments. Hearing none he asked for a motion.

17
18 **MOTION:** Member Mock

19 ***To deny Ms. Rosborough impact fee appeal.***

20 **SECOND:** Member King

21 **CRAIG FOURNIER – YES**

22 **MARLO HERRICK – YES**

23 **PAUL KING – YES**

24 **ADAM MOCK – YES**

25 **SUSAN YOUNGS – YES**

26 **The motion passed 5 to 0**

27
28 Ms. Rosborough commented that the Board should clarify the language of the impact fee ordinance.
29 Member Mock agreed with her assessment and the Board agreed that they should clarify the ordinance.

30
31 Chairperson Fournier then moved to the next item on the agenda, the impact fee request from Benjamin
32 Faxon.

33
34 Mr. Faxon thanked the Board for seeing him and informed the Board that he upgraded a cabin he owned
35 on Battle Street for his mother-in-law to live in. He was requesting a payment plan for the impact fee.
36 Member King stated that this had been granted in the past and they typically made the impact fee over a
37 one-year period. He then informed Mr. Faxon that if one payment was missed then the whole impact fee
38 would be due. Mr. Faxon agreed that those terms would be reasonable.

39
40 **MOTION:** Member Youngs

41 ***To approve Benjamin Faxon for an impact fee payment plan for 552 Battle Street.***

42 **SECOND:** Member King

43 **CRAIG FOURNIER – YES**

44 **MARLO HERRICK – YES**

45 **PAUL KING – YES**

46 **ADAM MOCK – YES**

47 **SUSAN YOUNGS – YES**

48 **The motion passed 5 to 0**

49
50 Chairperson Fournier then moved to the next item on the agenda, future zoning discussion.

Coordinator Tatro informed the Board that he had received complains about Junk Yards in Town. He asked the Board if they wanted to consider adopting a Junk Yard Ordinance. The Board agreed that they could look further into an ordinance and requested that Coordinator Tatro find examples of other Town's ordinances to review at the next meeting.

Coordinator Tatro also informed the Board that he had received requests to adopt the State's Building Code. This primarily would be done so that property inventories would no longer be necessary. The Board after a brief discussion agreed that they were not interested in pursuing the adoption of the State's Building Code.

Chairperson Fournier then moved to the next item on the agenda, code enforcement.

Coordinator Tatro informed the Board that he had received an anonymous complaint regarding an additional driveway on Bridge House Road. He asked the Board if they wanted to refer the driveway to the Select Board for Code Enforcement. The Board wanted to investigate the matter further before the referral.

Chairperson Fournier then moved onto the next item on the agenda, new business.

Coordinator Tatro informed the Board that he had received a voluntary merger application for lot 6-13 & 6-15. Both properties abutted each other and had the same owners. Chairperson Fournier asked if the Board needed to do anything regarding the merger. Coordinator Tatro responded that the Board could not deny mergers and informing the Board was just a formality.

MOTION: Member Herrick

To approve the minutes from 9/15/22 as written.

SECOND: Chairperson Fournier

CRAIG FOURNIER – YES

MARLO HERRICK – YES

PAUL KING – YES

ADAM MOCK – YES

SUSAN YOUNGS – Abstain

The motion passed 4 to 0 with one abstention

MOTION: Member Youngs

To adjourn the meeting 7:28

SECOND: Member King

CRAIG FOURNIER – YES

MARLO HERRICK – YES

PAUL KING – YES

ADAM MOCK – YES

SUSAN YOUNGS – YES

The motion passed 5 to 0

Respectfully,

Minutes taken by Russell Tatro