

TOWN OF WEBSTER
PLANNING BOARD
MEETING MINUTES THURSDAY JANUARY 19, 2023

The Planning Board held a meeting on Thursday, January 19, 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 Finnimore.

Also, present: Police Chief Steven Adams, Susan Miner, Jon Pearson, and Tara Gunnigle.

Attending virtually: Land Use Coordinator Russell Tatro

Chairperson Fournier opened the January 19, 2023, meeting at 6:30pm and took attendance. Alternate Member Kathy Bacon and Joseph Pawlowski were absent. He then moved to the first item on the agenda the sign for the Safety Building.

Police Chief Adams informed the Board that the Department was proposing replacing the sign had fallen with a new digital sign. The sign would be 4ft by 8ft and would cost about \$22,000.00. He felt the sign would be a great way to keep the public informed by what was going on in Town. Member Mock asked if the sign was free. Chief Adams responded that the funds would no be raised via taxation because he proposed to use the ARPA funds for the purchase. Chairperson Fournier asked if they really needed the sign. Chief Adams stated that he had been receiving very positive feedback from the Town regarding the sign and pointed out that the decision was up to the Town. Member King asked how the sign would be powered. Chief Adams responded that it would be electric and hooked up the utility pole near the safety building. It would cost the Town about \$800.00 of electricity each year. Member King asked if it would be in the same location as the previous sign. Chief Adams responded that it wouldn't be.

Chairperson Fournier then opened the meeting to public comment. Jon Pearson felt that if the Town was allowed to have a digital sign, then it would have to be allowed for all the residents in Town. Chairperson Fournier pointed out that there were regulations regarding signs and that anyone who wanted a sign would need to come before the Planning Board for approval. Member Herrick stated that she was not in favor of big electronic sign, but she also appreciated how the sign would help keep residents informed on what was happening in Town. Tara Gunnigle asked if the sign would be one sided or two sided. Chief Adams responded that it was two sided. Member Finnamore asked if there was a difference between sign regulation for municipalities versus residents. Chairperson Fournier responded that the same rules applied to the entire Town. Member

Member Herrick asked if the \$22,000.00 be used for a different project if the sign was not approved. Chief Adams responded that the ARPA funds could be used for any project in Town. He could also ask the Prison to get a quote on a non-digital sign. Chairperson Fournier asked how long the sign was expected to last. Chief Adams responded that it had a 20-year life span. The Board then discussed with Chief Adams what the expected maintenance requirements to be. Chairperson Fournier asked if there are any other similar signs in the area. Chief Adams responded the County and High School had similar signs. Member Finnamore pointed out that the neighbors often complained about the light from the sign at the High School. Chief Adams responded that the proposed signs light automatically dimmed at night and the level of light could also be adjusted manually. The Board then held a lengthy debate over the capabilities of the sign and benefits of scrolling or not scrolling text.

MOTION: Member Youngs

To recommend the approval of the new digital sign proposed by the Police Department.

SECOND: Chairperson Fournier

1 **CRAIG FOURNIER – YES**

2 **MARLO HERRICK – YES**

3 **PAUL KING – NO**

4 **ADAM MOCK – YES**

5 **SUSAN YOUNGS – YES**

6 **The motion passed 5 to 0**

7
8 Chairperson Fournier moved to the next item on the agenda, the driveway enforcement follow up.

9
10 Chairperson Fournier informed the Board that he had gone out to look at the additional driveway on
11 Bridge House Road. He had looked at the driveway that had to old house and noted that the driveway had
12 no drainage. He then asked Mr. Pearson what that driveway was used for. Mr. Pearson responded that the
13 driveway was primarily used it to access his back field and added that his lot had once been two lots.
14 Chairperson Fournier informed the Board that he had asked the question because in the current driveway
15 regulations there was a prevision allowing driveway without a permit that were primarily used for
16 agriculture. He then read aloud driveway regulation Section IV Subsection 4a which allowed for seasonal
17 driveways without a permit if they were primarily used for an agricultural purpose. His interpretation of
18 this regulation meant that the top driveway did not require a permit and did not count towards the total
19 number of driveways. However, the newest driveway below the house would still require a permit.

20
21 Mr. Pearson informed the Board that it was just a gap in the stone wall, and he had no intention of
22 developing it into a driveway. He felt the Board was claiming it as a driveway and really it wasn't one. He
23 was upset over the letter that he had been sent from the Town claiming that they were going to send him
24 to court if it wasn't fixed. Ms. Gunnigle said the area where the proposed driveway had always been her
25 vegetable garden and then showed a map to the Board that showed the layout of the area. She pointed out
26 that they could not live in the Bridge House now because of the fire and they had no plans to build
27 anything new. She added that the area had been driven over to gain access in order to repair a furnace.
28 Member Youngs asked if the gap was the driveway. Ms. Gunnigle responded that the gap had been there
29 forever and all what had changed was they had used it to access the area for construction. Member Mock
30 felt that if they weren't using it as a driveway that it shouldn't require a permit.

31
32 Mr. Pearson continued to argue that the access was not a driveway. Member Youngs stated that she didn't
33 understand why he was continuing to argue with the Board because the sentiment seemed to be that they
34 were agreeing with him. Member King pointed out that no matter what the Board did or decided that they
35 would not be happy. Mr. Pearson felt the residents had the right to know about all the underhanded stuff
36 going on. He pointed out that Coordinator Tatro had made a mistake writing out the complaint and
37 therefore the Town should not allow for anonymous complaints over the phone. Ms. Gunnigle felt that the
38 complaints should written by the complainant, and this could be used to avoid this kind of mistake in the
39 future. She added that the complainants name could be redacted if the form was requested as part of a
40 right to know request. It would also provide backup for the Town. Chairperson Fournier responded that
41 the Town needed to investigate complaints whether they were made anonymously or not. The Board then
42 had a lengthy discussion on the merits of anonymous or signed complaints that ended with Chairperson
43 Fournier tabling the discussion.

44
45 Chairperson Fournier moved to the next item on the agenda, Junkyard Ordinance Discussion.

46
47 Chairperson Fournier began the discussion by going over the information that had been requested from
48 NHMA regarding the Town's duty to regulate Junkyards. He then read excerpts of the State Law
49 regarding Junkyards. He pointed out to the Board that both pointed out that the Town had an obligation to
50 regulate Junkyards. Member Mock stated that he had reviewed the draft ordinance and he wasn't sure if
51 he was in favor of it anymore. His primary concerns where the regulations were very broad, and he

1 thought that they could be used to against property owners. He then went over several scenarios with the
2 Board regarding his property. Chairperson Fournier responded that junkyard regulations only regulated
3 the commercial sale of junk. Member Mock asked if he meant like Copart, and Chairperson Fournier
4 agreed that was what he meant. Member Mock still felt that these regulations could be used by his
5 neighbors even though his property was agricultural. Member Youngs pointed out that even without an
6 ordinance his neighbors complained it could still end up in court. She added that because the Town didn't
7 have an ordinance the State take the Town to court for not having an ordinance to enforce the State Law.
8

9 Susan Miner asked the reason why the Planning Board had started working on a Junkyard Ordinance.

10 Member Youngs responded that this ordinance would be used to protect the Town. She referenced a
11 recent court case where a town in NH had been left with the legal fees because they did not have a
12 Junkyard Ordinance. Ms. Miner asked if there were any complaints regarding junkyards at the moment.
13 Member Youngs responded that she wasn't aware of any. She also pointed out that all the Board planned
14 to do was to take what was in the State law and use it create the ordinance. Member Mock recalled that
15 there had been a woman at previous meeting who had complained. Member Youngs responded that he
16 was correct, and she complained about the Junkyard that was on the boarder with Warner. Mr. Pearson
17 asked what would happen if he complained about Member Mock. Member Herrick pointed that if the
18 Town didn't do anything the Town could be stuck with the legal bills from the State anyway.
19

20 Ms. Miner asked if there was already a junkyard ordinance in Webster. She pointed out that there were
21 already junkyards in Town. Member Youngs responded that there was no existing ordinance, and it was
22 not a permitted use in the current zoning ordinance. Ms. Miner felt that they had to have been permitted at
23 one point. Chairperson Fournier responded that they could have happened prior to the adoption of the
24 Zoning Ordinance. Ms. Miner listed off several known junkyards in Town had felt like there had to be a
25 zoning ordinance on file somewhere. Member Mock responded that they likely would have had to have
26 gone by the State laws. The Board then briefly discussed what the process would be for a junkyard to get
27 approval currently.
28

29 Ms. Gunnigle felt that everybody knew what properties were considered junkyards and she did not
30 believe any of those properties were also considered agricultural. She thought this ordinance was more
31 about the number of unregistered cars on the lot and she knew people that horded cars. She asked how
32 this ordinance would apply to them. Member Youngs responded that no one wanted to go around Town
33 counting the number vehicles on each lot to determine if they counted as junkyard under State law. The
34 goal of this ordinance was to protect the Town from legal costs. Chairperson Fournier added that they
35 wanted to also make sure the Town's groundwater was protected. Mr. Pearson said his wasn't about the
36 current Board but what future Boards could do with this ordinance. Member Youngs responded that the
37 people could go to the State now and the Town could end up paying the legal fees. Member Fennimore
38 future Boards would have to follow the language in the ordinance. Ms. Gunnigle felt t that the Board
39 would have to be careful with how the ordinance was written.
40

41 Member Mock didn't yet agree with what was written and asked if the Board would be making the
42 ordinance more specific to commercial operations. Member Youngs responded that she felt the Board
43 needed to stick to what the language was in State law. Chairperson Fournier agreed and felt the Board
44 really needed to go back and review the Ordinance before making a decision. Member Youngs felt that
45 this is a complicated issue, and the Board would have to do a case-by-case analysis. Chairperson Fournier
46 pointed out that there was a difference between "junkyards" and "junky yards and the Town would not be
47 regulating "junky yards." The Board then discussed potential enforcement scenarios and how the
48 ordinance would be used. Chairperson Fournier felt that the Board was not yet ready to take a vote on the
49 Ordinance and asked the Board to review the Ordinance for additional review at the next meeting.
50

1 Chairperson Fournier then informed the Board that they had been invited to the upcoming Select Board
2 meeting on February 6th to discuss the Transfer Station with the Hopkinton Town Administrator. He also
3 informed the Board members that there would be upcoming opportunities through NHMA in the spring.
4

5 Chairperson Fournier moved to the next item on the agenda, approval of draft minutes.
6

7 Member King commented that in the past they had received the minutes sooner and wanted them sent to
8 the Board sooner. Chairperson Fournier said he would pass his request to Coordinator Tatro.
9

10 **MOTION:** Member Youngs

11 *To accept the minutes from 12/15/22 as written*

12 **SECOND:** Member King

13 **CRAIG FOURNIER – YES**

14 **MARLO HERRICK – YES**

15 **PAUL KING – YES**

16 **ADAM MOCK – YES**

17 **SUSAN YOUNGS – YES**

18 **The motion passed 5 to 0**
19

20 **MOTION:** Member Fournier

21 *To adjourn the meeting 7:51*

22 **SECOND:** Member Mock

23 **CRAIG FOURNIER – YES**

24 **MARLO HERRICK – YES**

25 **PAUL KING – YES**

26 **ADAM MOCK – YES**

27 **SUSAN YOUNGS – YES**

28 **The motion passed 5 to 0**
29

30 Respectfully,
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35

36 *Minutes taken by Russell Tatro*
37
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