

TOWN OF WEBSTER

PLANNING BOARD

MEETING MINUTES THURSDAY DECEMBER 16, 2021

1 The Planning Board held a meeting on Thursday, December 16, 2021. 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:** Chairperson Craig Fournier, Marlo Herrick, Adam Mock, Susan
5 Youngs.

6
7 **Also, present:** Land Use Coordinator Russell Tatro, Edison Chae.

8
9 Chairperson Fournier opened the December 16, 2021 meeting at 6:30pm. He took attendance, Member
10 King and Alternate Member Bacon were not in attendance.

11
12 Chairperson Fournier moved onto the first item on the agenda, driveway permit application 21-15 for
13 Edison Chae.

14
15 Edison Chae informed the Board that he had bought two lots in the Pillsbury Lake district lot 10-5-3 and
16 10-5-4. He was currently in the process of merging the two lots into one. He described the lot as kind of
17 mucky with overgrown brush. He had walked the property with Road Agent/Fire Chief Bean, and they
18 had found natural opening forty feet from the property line of 58 Centennial Drive. They both agreed this
19 would be a good location for the proposed driveway. Road Agent/Fire Chief Bean had also pointed out to
20 him that the water from Centennial Drive drained onto this lot, and it pooled on the property. Road
21 Agent/Fire Chief Bean had suggested a 14' wide driveway that would go about 30' into the lot and
22 recommended an 18" culvert to go under the driveway to mitigate the water coming down the road. This
23 would allow the water to continue its way instead of pooling on the left side of the property. Mr. Chae
24 then stated that the lot was always damp because the lot was not getting any sunlight due to the brush.
25 Once the brush was cut, he felt the lot would dry out. He had put in a driveway application, and he then
26 provided the sketch of the driveway to the Board.

27
28 Chairperson Fournier stated that he had gone out to see the lots. He had found two of the boundary
29 markers on the Road but had been unable to find the one in the middle of the two lots. Mr. Chae stated
30 that he also had been unable to find it. He had measured out from the next neighbor's property line, and it
31 was over 25 feet from the property line. Chairperson Fournier and Mr. Chae then discussed the locations
32 of the culverts on the property. Chairperson Fournier then stated he had only been able to see one small
33 section of the lot that appeared to be dry and that the rest of the lot seemed wet. Mr. Chae stated that this
34 was different from when he had gone out to look at the lot with Road Agent/Chief Bean and the section,
35 he had proposed was the driest spot. Chairperson Fournier asked if he would be using fill on the
36 driveway. Mr. Chae responded that he planned to use fill and then described where the fill would be
37 placed. Chairperson Fournier felt that because the lot was wet that Mr. Chae would likely need a Fill
38 Permit from NHDES and Member Mock agreed with his assessment. Mr. Chae and Chairperson Fournier
39 then discussed the exact location of the driveway, the stream near the property, the culverts near the lots,
40 and where it was wet. Mr. Chae stated that the right side of the lot was wet and that the only reason it was
41 wet was because of the existing culvert.

42
43 Member Mock asked if the lot had been perk tested for a septic system. Mr. Chae stated that he did not
44 have plans for a septic at this point. He currently was only planning on putting in a driveway and
45 turnaround. This would allow him to store his boat, mountain bike, and kayak. He had no plans to build a
46 house currently, but it was a possibility in the future. Member Herrick asked if he planned to put a shed
47 on the property. Mr. Chae stated that he had discussed the possibility with the Pillsbury Village District,
48 but he was still working on figuring out the right process. Member Mock asked Land Use Coordinator
49 Tatro if he knew the process. Coordinator Tatro stated that the Town would allow the placement of a shed

1 on the property if it met the setback requirements. However, the District had its own rules, and the rules
2 were written into Mr. Chae's deeds.

3
4 Member Herrick asked Chairperson Fournier if he thought there was a better location for the driveway.
5 Chairperson Fournier responded that he believed that this project would need fill and he would likely
6 need a permit from NHDES. The Board discussed if Mr. Chae would need a permit from the State for the
7 fill and the culvert. Mr. Chae asked if there was something in the Town that defined this as a wetland
8 because wetland is a legal term. He felt that just because a lot was described as wet didn't make it a
9 wetland. He was confused as to why he would have to go to NHDES to determine if there are wetlands on
10 his lot. Member Mock stated that you would need to get a NHDES permit for the installation of a culvert.
11 He felt the lots would likely need to be surveyed to determine the placement of the culvert. Mr. Chae
12 stated that since this was not a Town recognized wetland that the discussion of the culvert was moot.
13 Member Mock asked what he would do if after construction NHDES found he had filled a wetland. Mr.
14 Chae responded that he would point out that the Town's GZA study had not delineated any wetlands on
15 his lot. Member Mock pointed out that the study had only reviewed the major wetlands in Town.

16
17 Chairperson Fournier thought it might be useful for the other members of the Board to go out and look at
18 the site. Member Mock asked if Member King and Chief Bean had gone out to look at the site.
19 Chairperson Fournier stated that they did, and Member King had brought up the concern regarding the
20 potential of wetland impact. Chairperson Fournier agreed with Member King and felt this project would
21 likely require State permitting. Mr. Chae responded that the fill was only needed to address the steepness
22 of the driveway.

23
24 Chairperson Fournier asked if any of the other board members wished to comment. Member Youngs
25 commented that she did not know the DES rules regarding the placement of fill. Member Herrick stated
26 that she hadn't seen the lot and she did not know enough of the rules of NHDES. She also didn't want to
27 see Mr. Chae get fined by NHDES. Mr. Chae stated that he would hold the Town harmless and
28 encouraged the Board to view the site. He then asked if the Board would like to see a video of the
29 proposed driveway location. The Board watched the video and discussed the construction plans.

30
31 Chairperson Fournier felt there were to many unanswered questions and asked the Board if they wanted to
32 table the discussion for a month. Member Herrick asked what the liability to the Town was and if the
33 Town could deny him based on the potential wetland impact. Coordinator Tatro stated that the current
34 driveway regulation stated that the proposed driveway should avoid wetlands if possible. Chairperson
35 Fournier pointed out that wetlands were defined by the State. Member Herrick asked if there was another
36 place on the lot that would be better for the placement of the driveway. Chairperson Fournier thought this
37 would likely be the best location. Member Herrick asked what authority the Board had to deny him his
38 permit because of the State's regulation. Member Mock felt that the Town didn't have any right to tell
39 him not to do it. However, if he starts filling, he will likely require a NHDES permit. Member Herrick felt
40 that tabling it for a month would not get the Board anywhere. Mr. Chae felt that the culvert draining onto
41 his lot was what made the lot wet, and the former owner should have fought harder against the placement
42 of that culvert. He also pointed out that if the lots were wetlands it would have to have been sold as a
43 wetland.

44
45 **MOTION:** Marlo Herrick

46 ***Motion to approve the driveway permit for Mr. Chae.***

47 **SECOND:** Adam Mock

48 **MARLO HERRICK – YES**

49 **CRAIG FOURNIER – NO**

50 **ADAM MOCK – YES**

51 **SUSAN YOUNGS – ABSTAIN**

1 **The motion passed 2 to 1 with 1 abstention.**

2
3 Mr. Chae would double check with Road Agent/Chief Bean to see if the culvert would be needed. He
4 asked what the process would be going forward. Coordinator Tatro stated that he would reach out to Chief
5 Bean and Member King next week to sign the permit. He also stated he would be sending the merger
6 paperwork to registry next week.
7

8 Chairperson Fournier moved to the next item on the agenda, the Wetland and Watershed Ordinance vote
9 clarification.
10

11 Coordinator Tatro informed the Board that he had reviewed the video from the last meeting and the
12 motion that was made to approve the ordinance for Town vote was unclear. He felt that re-doing to the
13 motion and vote would avoid confusion.
14

15 Member Herrick had put a lot of thought into the ordinance and wanted to state for the record that she was
16 not in favor of the ordinance. She felt it was an overreach of local government. She appreciated all the
17 time and effort that was put into the ordinance, but she could not in good conscious vote for the
18 ordinance. She felt the ordinance would be an undue burden on residents.
19

20 Chairperson Fournier agreed with Coordinator Tatro and explained that vote had been ambiguous. He
21 wanted to vote on the changes and the ordinance itself tonight. Member Mock had a few more changes he
22 would like to have seen made to the ordinance. He felt this ordinance would limit the Town further then
23 what the State required. A lengthy discussion ensued regarding the ordinance and how it would
24 potentially affect the Town.
25

26 Chairperson Fournier pointed out that the point of these ordinances was to ensure that the Town
27 developed properly, and he had seen the damages that could occur due to rampant development. He felt
28 that development was inevitable in the Town's future. Member Youngs agreed, a property near hers had
29 almost become a large development and the only reason it hadn't was because the last housing market
30 crash. Chairperson Fournier pointed out that this vote was not to approve the ordinance but rather to send
31 it to the residents to be voted on at Town Meeting.
32

33 Member Mock wanted to change some of the not permitted uses to permitted. He wanted to make sure
34 residents and the Board had options. He proposed changing grading to a permitted use with a conditional
35 use permit. He also felt that a 25ft buffer would be less intrusive then a 50ft buffer. The Board discussed
36 the changes and agreed this would be a substantive change. Member Youngs felt this might be taken as a
37 bait and switch by the residents of the Town. The Board discussed the procedures for passing the
38 ordinance and if they could change it. Coordinator Tatro stated that he could ask the question to Town
39 Counsel. Chairperson Fournier felt that they had already addressed the concerns of the residents as best as
40 they could. He wanted to hold the vote and give the residents the right to vote on the ordinance. Member
41 Herrick was concerned that the ordinance was difficult to understand. She wanted to make sure future
42 residents had the same opportunities as current residents.
43

44 **MOTION:** Craig Fournier

45 ***I move to accept the November 18, 2021 version of the Wetlands and Watershed Ordinance***
46 ***with the following minor changes. The language on page 3 be changed to "Draining,***
47 ***dredging, filling, which changes the flow of water."*** ***To strike the contradictory sentence on***
48 ***page 4 that states "No CUP's issued for 100' buffers in District 1."*** ***To change the language***
49 ***on page 8 to be "may waive requirements of the CUP application and the permit."*** ***This***
50 ***Ordinance to be voted on at the 2022 Town Meeting.***

1 **SECOND:** Susan Youngs

2 **MARLO HERRICK – NO**

3 **CRAIG FOURNIER – YES**

4 **ADAM MOCK – ABSTAIN**

5 **SUSAN YOUNGS – YES**

6 **The motion passed 2 to 1 with 1 abstention.**

7
8 Member Mock felt that the Board should still investigate if the ordinance could be changed. Coordinator
9 Tatro was not sure if it could after it had been accepted. The Board discussed the topic and agreed to give
10 Coordinator Tatro the authority to contact Town Council.

11
12 **MOTION:** Craig Fournier

13 *To give Coordinator Tatro the permission to contact Town Counsel to ask the question regarding*
14 *amending the ordinance once accepted.*

15 **SECOND:** Susan Youngs

16 **MARLO HERRICK – YES**

17 **CRAIG FOURNIER – YES**

18 **ADAM MOCK – YES**

19 **SUSAN YOUNGS – YES**

20 **The motion passed 4 to 0**

21
22 **MOTION:** Susan Youngs

23 *To accept the draft minutes from 11/9/21 and 11/18/21 as written*

24 **SECOND:** Craig Fournier

25 **MARLO HERRICK – YES**

26 **CRAIG FOURNIER – YES**

27 **ADAM MOCK – YES**

28 **SUSAN YOUNGS – YES**

29 **The motion passed 4 to 0**

30
31 **MOTION:** Marlo Herrick

32 *To adjourn the meeting at 8:10pm*

33 **SECOND:** Susan Youngs

34 **MARLO HERRICK – YES**

35 **CRAIG FOURNIER – YES**

36 **ADAM MOCK – YES**

37 **SUSAN YOUNGS – YES**

38 **The motion passed 4 to 0**

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40
41
42 Respectfully submitted,

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47 _____
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49 *Minutes taken by Russell Tatro*