

**TOWN OF WEBSTER  
PLANNING BOARD  
MEETING MINUTES SEPTEMBER 20, 2018**

At 6:35 pm Chairperson Susan Rauth convened the regularly scheduled meeting for the Planning Board and took attendance. Members present were Paul King, Lynmarie Lehmann, Christine Schadler/Select Board Member alternate, and Craig Fournier, alternate. Chairperson Rauth appointed Mr. Fournier as a voting member for this meeting due to the vacant member position.

Members of the public in attendance were Keith and Tara Rutherford, Julie Smith, Jim Franklin and son, surveyors, Roy Fanjoy, James Higgins, Joe DiPrima and Betsy Janeway.

Chairperson Rauth deferred the review of the draft minutes of August 16<sup>th</sup> until after the Site Plan review public hearing and the lot line adjustment presentation.

**6:37 pm Chairperson Rauth opened the public hearing for PB Case No. 18-06 Site Plan Review  
Application from JMJ Resort Properties, Joe DiPrima, owner, d/b/a Cozy Pond  
Camping Resort to add 47 campsites to the existing 137 for a total of 184 sites.**

Chairperson Rauth reviewed the Planning Board's Rules of Procedures with regards to the ground rules for Site Plan Review public hearings. The first order of business was to review the application and its checklist for completeness and accuracy.

Referring to the Site Plan Checklist, Select Board Member Schadler questioned why there wasn't an estimate of traffic generation/impacts statement checked off. Member Lehmann stated that the Board had asked that question at past Site Plan reviews for previous expansions of the campground and she recalled that one of the answers was that the campground was not like a supermarket or a retail business where there would be a constant flow of traffic going in and out. Therefore a traffic study was not needed.

Select Board Member Schadler had another question as to why storm water runoff was not pertinent. Mr. DiPrima stated he didn't know why that was not checked off. He explained that he did have a soil scientist who was developing a plan for all of the runoff in the campground. He stated test pits were dug and core sampling was done last week throughout the area of the 47 proposed campsites. Mr. DiPrima explained that because of the water runoff, wetland areas and buffer zones, his engineer reduced the number of proposed sites from 52 to 47. Member Lehmann asked if there was a retention pond. Mr. DiPrima stated, "no", but there will be some sort of drain system for the runoff to drain into the ground. Acting Member Fournier stated the site was pretty sandy. Mr. DiPrima then referred to the site plans on the easel and stated the area was relatively flat and very sandy. A brief discussion followed about the various low elevations.

Member Lehmann asked Mr. DiPrima if he would provide the Board with the storm water runoff calculations to which Mr. DiPrima agreed. After a brief discussion Member Lehmann asked about the number of cars that would be parked at each of the new sites. Mr. DiPrima stated the sites will be big enough for 2 – 4 cars but probably not more than 2. He stated the campground had no need for any excess parking as the campers park on their own sites. Member Lehmann asked what time visitors have to leave. Mr. DiPrima stated 11 pm. He stated there weren't a lot of visitors that stay overnight; most visitors were day visitors.

Member Lehmann questioned the list of "Others" on page 5 of the application, specifically Audra Klumb. Mr. DiPrima stated she did the wetlands survey for him and she was also involved with the soil sampling.

At this time, Member Lehmann made a motion to accept the application; seconded by Acting Member Fournier and approved unanimously.

Chairperson Rauth invited Mr. DiPrima to make his presentation. He explained that he had originally planned a four phase project, but due to the reduction in the number of sites he will have a three phase project; construct 16 sites in 2019; 16 in 2020 and 15 in 2022. He will skip 2021 because of another project. Member Lehmann asked if he would then be complete with his expansion plans. Mr. DiPrima stated in the affirmative that he was done.

Chairperson Rauth asked about the number of bathhouses. Mr. DiPrima stated there was one in existence, the second one will be in the proposed area and a third will be in the "G" area. A brief discussion ensued.

Select Board Member Schadler inquired about the proposed second pool and the recreation areas. Mr. DiPrima told the Board he intended to put in a second pool with slides next to the existing one. He stated he would like to put in a splash pad for the little kids and a "Lazy River" water feature. Mr. DiPrima informed the Board that he plans to put in basketball and tennis courts. Select Board Member Schadler stated she lived not too far from the campground and every now and again she can hear things going on. She stated she was a little bit concerned about the basketball court. She said it would be really hard to keep the noise from a basketball court contained. Mr. DiPrima stated that at the ZBA public hearing there was an abutter across Battle Street who complained about the noise of the horseshoe pits. For the benefit of the Board, Mr. DiPrima drew their attention to the site plan to the location of the horseshoe pits. He pointed out that there was a 50 foot buffer of trees that provides a sound barrier. Select Board Member Schadler asked about a contingency plan for complaints after everything is built. Mr. DiPrima stated during the past weekend, he personally stood 100 feet away from the same horseshoe pit the abutter had complained about and he made a recording of it on his phone. He said you can hear a "cling, cling, cling". Even further away beyond the 50 foot buffer and beyond the highway (Battle St. /Rte. 127) Mr. DiPrima stated you aren't going to hear that much from the campers.

Member Lehmann asked about the hours for the recreation area. Mr. DiPrima told the Board the pool closed at 7 pm and because there isn't any lighting of that area, once it starts getting dark no one uses the court. A brief discussion ensued.

Chairperson Rauth reiterated that Mr. DiPrima would work on increasing the buffer zone. Mr. DiPrima agreed. Chairperson Rauth had concerns about the entrance of the campground from Battle Street being on a curve without any signage before or after the driveway. She asked if Mr. DiPrima had any trouble with the location of the driveway. He stated no. He stated he did have to put a light on his sign.

Member Lehmann asked Mr. DiPrima what his percentage of occupancy was on his busiest weekend. Mr. DiPrima responded 100%. He stated during July and August he is typically at 100%. Member Lehmann asked about the number of sites. Mr. DiPrima responded that it will be 184 if the 47 additional ones are approved. He stated he was trying to make this into a "destination" campground not a "base" campground. He explained that a base campground was a place where people put their trailers in and then go out and about the surrounding area. He wants his campers to be able to stay in the campground and enjoy the activities rather than having to travel around to find them.

At this time Chairperson Rauth asked if anyone would like to make any comments.

Mr. Gordy Welch, abutter at 505 Battle Street, stated he had a history with the campground which was not a good history before Mr. DiPrima bought it. He stated the previous owners of the campground decimated that piece of property. He stated that from what the previous owner left to what there is there now is night and day. Mr. Welch told the Board that Mr. DiPrima talks to his abutting neighbors about what is happening with the campground and then he follows through with the Town. Mr. Welch stated that the people on the campsite that abuts his property now, he never sees them or hears them. He stated that he hears no noise from the campground other than some Saturdays from where the pavilion is. Mr. Welch added that he does hear the air horn from the fire truck that Mr. DiPrima owns. Mr. Welch only hears that horn during the day and it's not that noisy. Mr. Welch stated that we live in a farm culture; he said he hears more livestock than people in the campground which does not bother him. Mr. Welch thanked Mr. DiPrima.

Mr. Jim Higgins, abutter at 513 Battle Street, stated he was a regular visitor at the campground and of Mr. DiPrima's. He stated that usually on a Saturday or a Sunday he hears a kid, yappy dog – it's not constant. He stated he was always complaining to the previous campground owners. He stated that he is probably closer than Mr. Welch and when Mr. DiPrima is at 100%, Mr. Higgins does not hear any noise. Mr. Higgins has attended the pancake breakfasts the campground sponsors for D.A.R.E. and the Explorers. Mr. Higgins stated the sites are very nice and it is a nice campground.

Mr. Roy Fanjoy, not an abutter, stated he was a previous member of both the Planning and Select Boards. He stated there were never any complaints during his time on those Boards. Mr. DiPrima has always followed the PB/ZBA process each time he wanted to add campsites. Mr. Fanjoy agreed with Mr. DiPrima's reasoning for asking for 47 sites all at once in order to plan for the water, electrical and cable systems at one time instead of coming back to the Boards over the next 3 – 4 years. And it's more cost effective. Mr. Fanjoy stated he had not heard any complaints until he went to the ZBA hearing on September 11<sup>th</sup>. He stated he believed some of the people that were complaining were reminiscing about the previous owner when there were problems at the campground. Mr. Fanjoy stated Mr. DiPrima would be increasing the Town's tax base with the increase in the number of campsites which will increase the property's assessment. He stated that if he was on the Board, he would be voting in favor of this.

Mrs. Betsy Janeway, Conservation Commission member, wanted to know if the water had ever been tested from the outlet of the Coldbrook as it flowed into the Blackwater River. Mr. DiPrima stated no but he could check with the State. He stated the wells are checked by the State every month. He stated to do one more water sample would not be a problem.

There were no more public comments.

**7:22 pm** Chairperson Rauth closed the testimony part of the hearing and opened it up for Board deliberation.

Acting Member Fournier stated he visited the campground and Mr. DiPrima showed him around. The visit satisfied Acting Member Fournier that what Mr. DiPrima is asking for is a good thing. He stated the soil was very sandy hence a lot of water would just drain into the ground. He stated Mr. DiPrima had done a good job. Acting Member Fournier stated it was a business worth supporting in our town.

Select Board Member Schadler stated that she, too, had visited the campground to speak with Mr. DiPrima and she got a tour. She stated she had been pretty impressed with how clean it was and well cared for and the spacious sites. She stated the only concern she really had was the potential noise, but Mr. DiPrima's plan to replant trees within the buffer zone made her feel better. Mr. DiPrima stated that noise *within* the campground isn't tolerated. He has a security person that patrols the campground and a new secure gate system. Select Board Member Schadler asked if Mr. DiPrima considered having an earlier curfew than 11pm. Mr. DiPrima stated he felt 11 pm was a good time. He stated that his security starts around 8 pm – 9 pm; if anyone is aloud, they are spoken to. After a brief discussion, Acting Member Fournier stated that campers are coming for a good time to relax with a campfire. He felt 11 pm was appropriate considering Mr. DiPrima has security going around.

Member Lehmann made a motion to approve the site plan as amended with the 47 sites; seconded by Select Board Member Schadler. At this time Chairperson Rauth added to the motion that the Board makes the approval conditional upon the receipt of the DES permits and the storm water runoff information. Member King asked that if all 47 sites are approved does that mean that Mr. DiPrima will not be coming back to the Planning Board again. Mr. DiPrima answered in the affirmative. Chairperson Rauth presented the amended motion for approval; seconded by Select Board Member Schadler and approved unanimously.

**7:29 pm** Site Plan Review Public Hearing was closed. Chairperson Rauth stated it had been nice working with Mr. DiPrima and he reciprocated.

The next item on the agenda was **PB Case 18-07 Lot Line Adjustment/Annexation Application from Keith & Tara Rutherford, Peter and Julie Smith owners of lots 7-54-3 and 7-54-4 on Dustin Road.**

Chairperson Rauth invited Mr. Rutherford to make his presentation to the Board. There were several copies of his site plan available for the Board members to refer to. Mr. Rutherford explained that two couples, together, own two pieces of property. One of those lots is in Hopkinton and Webster. He stated they are trying to divide the land so each couple has an even share of river front and of property. Mr. Rutherford referred to the site plan to show the current lot line and then the new lot line. A brief discussion followed about logging, soil type and process of building the new homes and their driveways.

There were no abutters present and no comments from the public were made.

Member Lehmann made a motion to approve the Lot Line Adjustment as proposed on the plan; seconded by Member King and approved unanimously. The approval is contingent upon a member or members walking the bounds and submission of Mylars.

Mr. Rutherford thanked the Board for their time.

At this time the Board reviewed the draft minutes from August 16<sup>th</sup>. Member Lehmann made a motion to accept the Planning Board minutes from August 16, 2018 as written; seconded by Member King and approved unanimously.

The next item on the agenda was to discuss the Planning Board Scenic Roads Subcommittee. Chairperson Rauth stated the committee had had a couple of meetings. She stated they contacted NHMA with some questions which clarified some things for her with regards to the final draft. She stated the main thing was that if a tree or a stone wall was to be removed by the town or a utility it requires a public hearing. She stated the committee was considering whether they would want to expand that – the administrative process as well as the criteria. A result of this process was that there needs to be more understanding and communication about scenic road maintenance. Chairperson Rauth stated that the subcommittee did sit down with the Road Agent twice and they learned why certain things were done in certain ways and what the issues were. She stated she thought it would be helpful for the residents and abutters as to when the maintenance was going to occur especially if there is going to be significant work done for preventative maintenance and ditching. Chairperson Rauth stated the committee thought that at regularly scheduled Select Board meetings that the Road Agent could present a plan for the maintenance and a schedule; trying to hold a public hearing prior to that type of work might be arduous. She stated having it on the Select Board meeting agenda would give it a chance to be presented twice a month. After a brief discussion, Select Board Member Schadler stated that the first Select Board meeting of the month there is a Department Head meeting with the Select Board that the Road Agent is required to be at so that he can tell the Board what he has planned for the next month and to report what has been done. Chairperson Rauth stated that the committee felt that by making a specific recommendation about scenic road maintenance to the Select Board it would be covered more carefully in meetings that citizens can come to. A lengthy and in depth discussion ensued covering topics of ditching, widening of the scenic roads, storm water runoff and the issues of boundaries and the town's right of way.

Chairperson Rauth stated to the Board members that she appreciated all their feedback and the subcommittee will do the best they can to put it all together and get it to the Select Board.

The next item on the agenda was an update of the Master Plan. Chairperson Rauth stated there will be a Master Plan meeting Tuesday, September 25<sup>th</sup> at 6:30 pm in the Select Board's conference room. She stated it was going really well. This month she stated they were going to talk about the chapters on Historic and Cultural, Resources, Housing and

Transportation. She stated that she and Mrs. Larson were working on the Land Use chapter all in preparation for the Future Land Use chapter. Chairperson Rauth stated they will be trying to finish the plan before the end of 2018. A brief discussion followed.

Chairperson Rauth then informed the Board it was time to do the 2019 update of the CIP. She stated they were ready to send out forms to all the departments and boards and commissions. She stated the Select Board had already sent out notices that budgets were due to the Select Board by October 22<sup>nd</sup>. Chairperson Rauth stated the CIP forms would be going out soon in order to coincide with the Select Board's deadline. She stated they would like to put together a committee to review the applications for the funds and put the spreadsheet together and approve it like it was done last year. She stated that Roger Becker had volunteered again this year. Member King and Acting Member Fournier volunteered to work on it this year. A brief discussion followed.

At this time Chairperson Rauth reminded the Board about the Warner River being designated as a protected river under the State's River Management Program. She referred to a letter with an attached nomination form; she stated that the State has now asked the town to identify a few individuals who would like to serve on a local advisory committee for the river. She explained they would be advising the DES on matters pertaining to the river management, commenting on any kind of federal or state applications and plans, etc. Chairperson Rauth stated she believed Susan Roman had worked on this as a representative for the town of Webster. Select Board Member Schadler stated that Susan Roman and George Embley both worked on it during the nomination process. She stated that the Conservation Commission had known about this for about a month and that Mr. Embley has contacted someone they are waiting to hear from. After a brief discussion Chairperson Rauth gave the form to Select Board Member Schadler.

At this time Member King informed the Board about a driveway permit application for a lot on Pleasant Street that was submitted *after* the driveway was constructed. The driveway is a horseshoe style with two curb cuts. This lot only has 471\*\* feet of road frontage (\*\*Note: 471 is incorrect; correct measurement is 431.35 feet frontage.) The Driveway Regulations require a minimum 500 feet of frontage in order to have two curb cuts. Member Lehmann stated the Planning Board does not have any enforcement authority. Select Board Member Schadler stated the Select Board does that, but what would they do in this case. After a brief discussion, Member Lehmann suggested inviting the property owners to the next Planning Board meeting and show cause as to why the Planning Board should grant their permit because what was built is not consistent with the driveway regulations. She stated then the Board can tell them they will not issue a permit or the property owner will have to close off one of the driveway entrances. Chairperson Rauth asked the Board what about people that put in a driveway but do not fill out an permit application. Member Lehmann stated the Board should have them come in and show cause how they can have a driveway without a permit. Chairperson Rauth then stated these situations with driveways are happening a lot. Acting Member Fournier suggested updating the regulations giving the Planning Board more enforcement. Member Lehmann believed the driveway without the permit could be passed up to the Select Board; stating that the owners have built on their property which requires a permit and they failed to get that permit. After a brief discussion, Member Lehmann made a motion regarding the Pleasant Street horseshoe driveway for the Board to send them a letter saying they need to come in to the Planning Board's next meeting (October 18<sup>th</sup>) to show cause why their permit should be granted where upon information and belief they violated our driveway regulations. Acting Member Fournier felt that wording was too harsh. Select Board Member Schadler agreed. Member Lehmann's motion was not seconded. Mrs. Larson will draft a letter for the Board's review before sending to the property owners. Select Board Member Schadler stated she thought driveway infractions were occurring because people don't realize that they need to have a permit and that there is a process in place. As the result of a brief discussion, Select Board Member Schadler will carry forward the driveway construction with a permit violation on Mutton Road to the Select Board for enforcement.

**8:58 pm** Member Lehmann made a motion to adjourn; seconded by Acting Member Fournier and approved unanimously.

These minutes were approved as written at the October 18, 2018 Planning Board meeting.

Respectfully, Susan Rauth, Chairperson\_\_\_\_\_