

**TOWN OF WEBSTER
PLANNING BOARD
MEETING MINUTES SEPTEMBER 19, 2019**

At **6:30 pm** Chairperson Rauth convened the regularly scheduled meeting of the Planning Board and took attendance. Members present were Lynmarie Lehmann, Paul King, Craig Fournier and Alternate Member, Kathy Bacon.

Members of the public present were Bob and Liz Delaney.

The next order of business was the continued discussion about the Driveway Permit for Construction #19-05 from Bob and Liz Delaney, 85 New London Drive, that was presented at last month's Planning Board meeting. The application proposed construction and paving of a second curb cut with less than 500 feet of frontage. Chairperson Rauth reminded the Board that at last month's meeting, the Board turned down the Delaneys' application. She stated there had been subsequent correspondence between her and the Delaneys. Specifically, Mr. Delaney asked Chairperson Rauth if he could get an easement to meet the 500 feet of frontage requirement. She told him she could not answer that; he would have to come back to the Planning Board. She invited Mr. Delaney to explain about the easement. Mr. Delaney wasn't sure as to the definition of an easement, but basically if he could get an easement from his abutting neighbor to make up the 36 plus feet of frontage, would that satisfy the Driveway Regulations requirement of 500 feet for two curb cuts? Chairperson Rauth stated there are different types of easements which have to be clearly specified. Member Lehmann stated that an easement is where you are not the landowner, but you have been given access to use that land in any number of ways. She added that the landowner controls how you can use it. A brief discussion followed regarding utility easements and public ways. Chairperson Rauth stated she believed the easement would have to be legally drawn up and added to both deeds. Mr. Delaney stated that was why he was asking; rather than buying the land from his neighbor at a significant expense, would the easement suffice? The Board and Mr. Delaney were involved in a lengthy discussion about Danbury Road, a discontinued road, while reviewing drawings and the tax map.

While Member Lehmann researched the discontinuance of Danbury Road, Mr. Delaney stated that at the last Planning Board meeting he and his wife were told a number of times that the Driveway Regulations were state law. Member Lehmann stated they were adopted. Mr. Delaney stated those regulations actually say one can have two driveways with 500 feet of frontage. Chairperson Rauth stated that at the last meeting, she misspoke. She then stated that our driveway regulations are different from the state regulations. Member Lehmann clarified that what Chairperson Rauth had said at that meeting was an inaccurate statement of Webster's regulations. She stated that RSA 236:13 was the statute that covers driveways and other accesses to the public way for state roads. For example, if one wants a driveway on Route 127, a permit from the state is required. The state does not want subdivisions with lots looking like bowling alleys; the state prefers internal roads with the driveways coming off of those rather than a lot of driveways intersecting with state roads. She stated that the Town's regulation is a little more restrictive than the state's and written a little differently. Member Lehmann did not know the rationale as to why this was put into place. Chairperson Rauth stated that in 2005 the driveway regulations were a part of the Subdivision Regulations. They weren't broken out until March 2006.

After a lengthy discussion, Chairperson Rauth read *Section D.* under *VI – Planning Board Options* of the Driveway Regulations:

D. There may be circumstances in which reasonable vehicular access cannot be obtained while fully complying with these regulations. In such circumstances, the Planning Board has the authority to waive the requirements herein to the extent required to allow reasonable vehicular access.

After a brief discussion, Member Lehmann stated she had not been out to the site. Member Fournier stated that he had visited the site; the land is at the end of New London Drive, a dirt road, way in the back, with a good line of site. Mrs. Delaney stated they had cleared some trees. Chairperson Rauth referred to Mr. Delaney's drawing that accompanied the application. She pointed out the garage that had been built in 2018 and the ledge dividing the lot and also how uneven the lot was. If Mr. Delaney constructed a driveway from his existing one and crossed over to the garage, he would need a lot

of fill because of the unlevel ground. He stated he had that driveway there for a while because he would store his boat on that lot prior to building the garage. Chairperson Rauth stated to Mr. Delaney that he sited his garage and put a driveway in, more or less, without following the Driveway Regulations, because they were in place in when he built the garage. Mr. Delaney stated he didn't know about them. When he tried to pull a permit for the garage and was told he didn't need one, he said, "I didn't run into the issue of knowing that I needed to have a permit for the driveway."

At this time, Chairperson Rauth asked Member King how he would feel if she asked him to go back and look at the site. Member King stated he would be happy to do that.

Member Fournier made a motion to make an exception to the Driveway Regulations to allow the Delaneys to construct a second driveway with less than 500 feet of frontage at 85 New London Drive; seconded by Member King and approved unanimously. The Delaneys thanked the Board for their decision and left the meeting.

At this time, Chairperson Rauth stated her goal was to finish the Subdivision Regulations and the Site Plan Review Regulations at this meeting in order to have a public hearing to adopt them at the October 17th Planning Board meeting.

After a very lengthy and in depth discussion, Member Lehmann made a motion to adopt the Subdivision Regulations as amended and discussed this evening and to move forward with them at a public hearing next month; seconded by Member King and approved unanimously.

The next order of business was to amend the Site Plan Review Regulations. The Board discussed, reviewed and amended the regulations. Member Lehmann made a motion to adopt the Site Plan Review Regulations as amended and then work on it more at the public hearing in October; seconded by Member Fournier – **discussion resumed without taking a vote.**

Chairperson Rauth stated the Rules of Procedures would have to be amended because the company that maintains the Town's website no longer supports digital recordings of meetings. Chairperson Rauth read the following amendment:

Digital recordings will be used for reference in writing the minutes. Those recordings will be kept at Town Hall until the written minutes are approved at a future meeting, at which time the tape will be erased. The minutes documents become a permanent part of the public record.

Member Fournier made a motion to accept the amendment to the Rules of Procedure as read; seconded by Member Lehmann and approved unanimously.

8:46 pm meeting adjourned.

These minutes were approved as written at the October 17, 2019 Planning Board meeting.

Respectfully,

Susan Rauth, Chairperson