

**TOWN OF WEBSTER
PLANNING BOARD
MEETING MINUTES JULY 19, 2018**

At 6:30 pm Chairperson Rauth convened the regularly scheduled meeting for the Planning Board and took attendance. Members present were, Paul King, Lynmarie Lehmann and Alternate Members Kathy Bacon and Craig Fournier. Chairperson Rauth appointed Mr. Fournier as a voting member for this meeting due to the absence of Member Susan Roman.

No members of the public were in attendance.

The first order of business was the review of the draft minutes from the June 21st meeting. Member King made a motion to accept the minutes as written; seconded by Acting Member Fournier and approved unanimously.

The next order of business was an update on the Scenic Roads subcommittee of the Planning Board. Chairperson Rauth stated the committee had been working on changes to the process for scenic road maintenance. She stated they were trying to address some of the complaints from citizens who live on scenic roads. She stated one of the biggest issues that is currently being discussed is how to determine the boundaries of the three scenic roads in town. Member Lehmann felt that researching old road deeds would be a huge undertaking. While the Board moved on, she researched case law pertinent to stone walls being defined as boundaries roads. Chairperson Rauth stated further research would be needed. Chairperson Rauth stated the proposed scenic roads policy project will be wrapping up soon. Member King suggested making a policy that the right of way goes to the stone wall unless the property owner can prove otherwise.

The next order of business was to update the status of the Master Plan. Chairperson Rauth stated the project was going well and the next meeting will be Tuesday, July 24th at 6:30 pm in the Select Board conference room. She stated that the Conservation Commission will be presenting their chapter, Natural Resources. Alternate Member Bacon and Chairperson Rauth will try to present the recommendations for the Housing chapter. Chairperson Rauth added that the committee will hear more about the recommendations in the Hazard Mitigation Plan from Administrative Assistant, Leslie Palmer. The Police Chief may be finishing his section and Chairperson Rauth will present Town Roads. She hopes to wrap up the presentations at the meeting and then the last thing to pull the Master Plan together is the last section, "Future Land Use." She stated this chapter takes into consideration all the recommendations that have been made and looking at what changes the town might want to pursue regarding town land use regulations/zoning regulations to move the town forward to meet the challenges of the future.

Chairperson Rauth stated that one of the biggest issues in town is the dichotomy of residents wanting to keep the rural atmosphere of the town versus wanting to bring in development and businesses to increase the tax base. After a brief discussion Alternate Member Bacon stated that according to the Master Plan survey 68% did not want any kind of industrial park and a little over 50% did not want commercial but 33% wanted a commercial zone. She stated the town might find some ways to build support for a commercial zone. She felt that would have to be done first. She stated there is not that much resistance to a commercial zone as there is to an industrial park. After a brief discussion about "spot zoning", Chairperson Rauth spoke about a "Conditional Use Process" which goes through the Planning Board not the Zoning Board. She stated she needed to do more research. In conclusion, Chairperson Rauth stated that once the Future Land Use chapter is ready, then there will be one more meeting after next Tuesday, with a larger group of people to pull the entire Master Plan together. Chairperson Rauth was stated the participants have been very positive and lots of good ideas.

At this time, Member Lehmann found the case law pertinent to stone walls and fences as legal boundaries: *Blagbrough Family Realty Trust v. A & T Forest Products, Inc.*, 155 N.H. 29 (2007) and *Hoban v. Bucklin*, 88 N.H. 73 (1936). Member Lehmann read from the latter:

“...In fact the court said that boundaries of fence or wall erected on permanent structures are erected as permanent structures either on one or both sides of the road are more probably than not intended to mark the line separated highway use from private occupancy and possession. As physical barriers such structures especially stone walls are apparently designed as permanent boundaries.”

A brief discussion ensued.

At 7:40 pm Member Lehmann made a motion to adjourn; seconded by Acting Member Fournier and approved unanimously.

These minutes were approved as written at the Planning Board meeting on August 16, 2018.

Respectfully,

Susan Rauth, Chairperson