

**TOWN OF WEBSTER
PLANNING BOARD
MEETING MINUTES JULY 16, 2015**

At 7:00 pm Chairperson Susan Rauth opened the regularly scheduled Planning Board Meeting and took attendance. Members present were Vice Chairperson Susan Roman, Selectman Roger Becker, Jere Buckley, Lynmarie Lehmann and Alternate Patricia Ilacqua, who arrived soon after the meeting commenced. Also in attendance was Road Agent, Emmett Bean, and Webster resident, Jason Wovkanech.

Due to a full agenda, Chairperson Rauth deferred review of the June 18th meeting minutes until the end of the meeting and commenced with the continued site plan review for Copart, Inc. First, Chairperson Rauth gave a brief recap of the work session of July 13, 2015 when the Planning Board and the engineers from Sanborn, Head and Associates reviewed the draft report regarding the groundwater study of the Copart site. Chairperson Rauth is working on those minutes. She stated during that work session the Planning Board made the decision to request more information from Sanborn, Head. The Board voted and agreed to request Nikki Roy to put together a proposal for monitoring wells. Second, the current extension for the site plan review ends August 21, 2015. The Board will need to ask Copart for another extension. Chairperson Rauth stated the Board would make copies of the two studies available to Copart along with a cover letter requesting a six month extension of the site plan review. A brief discussion ensued. Member Buckley made a motion to continue deliberation on case #14-02, the review of the site plan application from Copart, pending further review and information until the Planning Board meeting of August 20, 2015 at 7:00 pm; motion seconded by Selectman Becker and approved unanimously.

At this time, Chairperson Rauth introduced Mr. Nick Sanders, Senior Traffic Engineer with VHB, who along with his crew completed a truck routing study that was agreed to by Copart as part of their site plan review application. Copies of the study were distributed to the Planning Board members, Road Agent Bean and to Mr. Wovkanech. Mr. Sanders began by stating that VHB concentrated their efforts on four alternative truck routes between Copart and I-93 and I-89. These routes are designated as A, B, C and D in the study. Two other routes A-2 and E were cited but they have "No Through Trucking" restrictions from Concord. Each of those routes was discussed in great detail with Board members, the Road Agent and Mr. Wovkanech. Discussion included but was not limited to problems town-wide with sight distances, curvatures of the roads, need for more warning signage, speed limits, crash data, trimming of vegetation, etc. Road Agent Bean asked Mr. Sanders if he would take a look at the *Yield* sign on Deer Meadow Road at the intersection with Corn Hill Road. Mr. Sanders stated he would take a look at the area and follow-up to Mr. Bean with his recommendations. Mr. Wovkanech spoke about some of the dangers he and his wife have experienced pulling out of their own driveway on Corn Hill Road. After a brief discussion, Chairperson Rauth suggested discussing the study's recommendations at another meeting and/or work session with Mr. Bean and decide which ones to go forward with and then go to Copart with the final plan. Member Roman stated she thought it was pretty simple in the sense that there are some better routes than worse routes with none of them being really good for this use. She added that abutting cities and towns to Webster have put trucking restrictions on the access roads, thereby limiting routes for Webster. Member Roman also brought up the question of how to enforce the routes after being decided upon. What would be the legality of it all? Member Lehmann added that the original court order regarding Copart and the City of Concord cited limitations for only Bog Road. Discussion ensued regarding the 35,000 pound GVW restriction on the Boscawen side of Corn Hill Road. Road Agent Bean explained to the Board because of that restriction, he has to travel over an hour to pick up a load of gravel from Colebrook and bring it back to Webster. If that weight restriction was lifted, Mr. Bean could make two trips in the same amount of time. After a brief discussion, Mr. Wovkanech informed the Board that NH State Police Troop G had been in Webster doing safety checks on some of the trucks hauling to or from Copart. Some trucks were cited for safety violations and taken out of service. Mr. Wovkanech will bring forth statistics as soon as they are available to him.

Chairperson Rauth asked Mr. Sanders if he had any more comments or recommendations. Mr. Sanders stated that it would make sense to research the posting on Corn Hill Road. He stated if the posting stayed in place, it would probably be one of the better routes getting trucks to and from Copart under the 35,000 GVW. And route C would be the other route coming to and from I-89. Route E via Dustin Road would have been considered if it weren't for Concord's restrictions.

He thought further investigation of the two small sections of Blackwater Road and Warner Road in Concord may be worthwhile.

Member Lehmann referred the Board to two statutes regarding the powers of cities and towns to enforce traffic control: RSA 47:17 - power to make bylaws and ordinances for cities and RSA 31:39 power to make bylaws for towns. Member Lehmann cited a traffic control case *Paine vs. Town of Conway* (1978) 118 N.H. 883, 395 A.2d 517. Member Roman stated she thought there was precedent under site plan review for controlling traffic. Member Buckley asked what recourse the Board would have regarding enforcement if Copart ignores the site plan condition for using a particular route. Member Roman stated the Board could retract the site plan approval and the Select Board could revoke the Junkyard License for not being in compliance with Town regulations. Road Agent Bean made the point that if the Town restricts more roads to *No Through Trucking* then that will negatively affect him and other truckers who live in Town and make their living on these roads. After a brief discussion, Member Roman stated the use of specific truck routes would be a condition of the site plan approval, i.e., these are the routes that you need to use and you also need to tell your contractors to use them. A discussion followed.

Chairperson Rauth asked the Board for any more "action" items. Member Roman stated she felt the first step should be a meeting with Town Counsel. The other issue Member Roman wanted to bring up was a study of infrastructure, which VHB could help with.

After a brief discussion, Road Agent Bean asked the Board to make sure that Copart understands that regardless of the truck route or routes assigned, they still must comply with the posted roads during mud season. Mr. Bean left for the evening and thanked the Board. The Board thanked Mr. Bean for coming.

The Board thanked Mr. Sanders for a job well done. The study will help move the process in the right direction.

Chairperson Rauth stated she would take the copies of the two studies to Town Counsel and ask him to write a letter to Copart asking for an extension. Member Roman added that Copart should respond by a certain date so by the next meeting of August 20, 2015, the Board will know whether they have an extension or not. Chairman Rauth suggested August 10th or 14th.

At this time Chairperson Rauth brought two *Notices of Voluntary Mergers* for the Board's review and approval; one for property owner William Blish to merge 6-89 and 6-89-1 and the other for property owner Edwin Hanson to merge 10-3-3 and 10-3-1. Member Lehmann made a motion to accept the two Voluntary Mergers; motion seconded by Selectman Becker and approved unanimously.

Member Lehmann made a motion to accept the June 18, 2015 Planning Board meeting minutes as written; motion seconded by Selectman Becker and approved 5 to 1 abstention; Member Roman was not in attendance on June 18, 2015.

Before adjourning, Member Roman asked if there were any other action items and/or legal questions for Town Counsel. Member Lehmann suggested Town Counsel could perhaps look into the history of the lawsuit between the City of Concord and Copart regarding the restricted use of Bog Road. Member Lehmann referring to a copy of the court order, all the testimony was about Bog Road not Blackwater Road or Warner Road. Member Lehmann asked why should the Town of Webster be restricted in the types of businesses that it can put in and thereby limit the economic development of Webster based on the surrounding communities saying "You can't travel on our roads." After a brief discussion, Selectman Becker suggested asking Town Counsel if it would be worth pursuing. Member Roman stated she would ask the question and she also wanted to talk to Town Counsel about how to deal with Copart's contractors and enforcement. Chairperson Rauth pointed out that the balance of the legal line of the Planning Board budget was getting low. She suggested e-mailing Town Counsel rather than having a meeting. After a brief discussion Member Roman stated that she

really would like a resolution to the issue of infrastructure. She felt this subject could be taken up at the next Planning Board meeting.

At 9:35 pm Chairperson Rauth made a motion to adjourn; motion seconded by Member Lehmann and approved unanimously.

These minutes were approved as written at the Planning Board meeting of August 20, 2015.

Susan Rauth, Chairperson

Approved as Written