

**TOWN OF WEBSTER
PLANNING BOARD
MEETING MINUTES JANUARY 15, 2015**

7:02 p.m. Chairperson Rauth convened the regularly scheduled meeting of the Webster Planning Board.

Present were Chairperson Susan Rauth, Members Jere Buckley, Sue Roman, and Alternate M.J. Turcotte. Chairperson appointed Alternate Turcotte as a voting member in the absence of Member Lehmann. Also in attendance were Mr. John Kostro, General Manager and agent for the Copart facility on 111 Deer Meadow Road, Webster, NH.

The Board agreed to defer discussion on the draft minutes from October 14, 2014 and December 18, 2014 in order to discuss the status of the Site Plan Review Application for Copart, Inc. with Mr. Kostro. Chairperson Rauth stated that the Town's attorney sent a letter to Barbara Boudreaux, Esquire, Corporate Counsel for Copart and John Reed to request clarification with regards to two independent third party studies based on a letter the Board received from Copart. Member Buckley stated the next step would be to defer a decision until the Board receives that response. Chairperson Rauth and Member Roman agreed. Member Buckley made a motion that the Board continue the discussion of the Copart subject pending receipt of response to Bart Mayer's request for clarification of the conditions that Copart had suggested and continue Site Plan Review until the next Planning Board meeting of February 19, 2015 at 7 pm at the Webster Town Hall; seconded by Member Roman and approved unanimously. Mr. Kostro did not have anything to add. The Board thanked Mr. Kostro for coming.

At 7:09 pm the Board started review of the draft minutes of October 14, 2014 and December 18, 2014 when Member Lehmann joined the meeting. Acting Member Turcotte returned to her position as an Alternate Member. Member Buckley brought to the Board's attention that on page 2 of the December 18th draft minutes halfway through the third full paragraph, there was no indication as to whether or not a motion was made or if the Board approved the deletion suggested by Chairperson Rauth under 'Permit Duration' of the Driveway Regulations. Member Lehmann did not remember the vote. Chairperson Rauth thought the Board just agreed upon the deletion and went on to the next topic. Before making a motion on those deletions, Member Buckley had another issue on page 2, regarding the fourth line from the bottom, "*Mr. Bean also informed the Board that the use of multiple culverts was acceptable, i.e., if the driveway construction requires a 36 inch culvert with 36 inches of coverage, two 18 inch culverts side by side may be used with 18 inches of coverage.*" He did not believe that was what Mr. Bean had said. After a brief discussion, Member Buckley stated if there was an error of fact, he believed the Board should correct it. Mrs. Larson will review the December 18th recording for clarification. Member Buckley stated that with respect to the amendment to the Driveway Regulations regarding Chairperson Rauth's suggestion to delete "At their sole discretion..." and "...for a good cause..." under 'Permit Duration' and in as much as the Board had not appeared to approve that, Member Buckley made a motion to approve those deletions; seconded by Member Lehmann and approved; 3-yes and 1-abstention, Member Roman had not been in attendance at the December 18th meeting. The Board agreed to table further review of the December 18th minutes until the February 19th meeting.

Returning to the October 14th draft minutes, Mrs. Larson reminded the Board that Member Roman had rescinded her motion to approve awaiting clarification. At this time, Mrs. Larson stated she had listened to the tape and realized she had not included Member Lehmann's clarification of Member Buckley's motion to approve the conditions regarding the Site Plan Review for JMJ Resort Properties. After a brief discussion, the Board tabled the draft October 14th minutes until the February 19th meeting at which time the draft minutes will be submitted with that clarification inserted.

The Planning Board then reviewed two Voluntary Merger applications; one was not on the agenda as it had been submitted just before the meeting. Member Lehmann made a motion to accept the Voluntary Merger regarding the 'Ham' property of lots 10-5-53, 10-5-39 and 10-5-50; seconded by Member Roman and approved unanimously. Member Buckley made a motion to approve the Voluntary Merger regarding the 'Dow' property, of six lots on map 10: section 1-79, 1-81AB, 83, 84, 85 and 88; seconded by Member Lehmann and approved unanimously.

The Board discussed drafting warrant articles for 2016 specifically the definitions of 'structure', 'building', 'setback', 'lot line', 'frontage', 'street', 'street-private', 'lot size' and 'lot'.

Chairperson Rauth stated she had reviewed CNHRPC's Matt Monahan's suggestions for updating terms and definitions in the Subdivision Regulations. Chairperson Rauth reminded the Board that Mr. Monahan as a part-time Planner for Allenstown, NH had written their subdivision regulations. After a general discussion Member Lehmann stated she felt the Board could achieve updating the Webster's Subdivision Regulations in the next three months. She suggested using Allenstown's subdivision regulations as a model; members could be assigned sections to review and analyze over the next three months. Chairperson Rauth stated the Board could use Mr. Monahan's template for updating or they could follow Member Lehmann's suggestion. After a brief discussion, the Board agreed they would read through Allenstown's subdivision regulations document, critically analyze *Article V. Plan Requirements* for the next Planning Board meeting on February 19, 2015.

The next item on the agenda was discussion of innovative land use authority. Member Roman stated she had made a legal inquiry to NHMA. She stated that Attorney Buckley's response was that an innovative land use control such as cluster housing or conservation subdivision would be a zoning change and would have to go through a warrant article; it would not be a subdivision change. A general discussion included topics of innovative land use authority, the Master Plan, density and conservation subdivision regulations.

At 8:02 pm Selectman Alternate, Bruce Johnson, joined the meeting.

The Board agreed to do more research on innovative land use and also look at other towns.

The next item was New Business. Chairperson Rauth informed the Board she was in receipt of the Cozy Pond Campground's Best Management plan which had been requested as a condition of the Site Plan Review application approval. The Board questioned whether or not the plan reflected the DES Best Management Practices guidelines and the NH Green Yards Program. Chairperson Rauth asked if Member Roman would take the lead on reviewing the plan for the

Board. Member Roman stated the plan was compliant with the Town's Groundwater Ordinance. Member Lehmann stated she would like Mr. DiPrima to cite to the NH Green Yards Program. Member Roman added she felt the Board should ask Mr. DiPrima for a copy of the campground regulations specific to the campers. After a brief discussion, Member Roman stated she would review the NH Green Yards Program and together with Member Lehmann draft a letter to Mr. DiPrima regarding what his Best Management Plan should say. This will be on the agenda for February 19, 2015.

A second New Business topic discussed was driveway permits for temporary logging operations. Mrs. Larson explained that recently when *Intents to Cut* were brought to the office, Road Agent Bean had not been notified on a regular basis and Driveway Permit applications had not been given out to those who needed access. She also stated there was an established fee of \$40.00 for 'Driveway Permits-Commercial and/or Logging' that had not been enforced. In the past, this fee was billed to the Town by the Road Agent for his work overseeing the integrity of the Town roads. After a general discussion, Mrs. Larson stated moving forward; Road Agent Bean should be notified about all *Intents to Cut*. Loggers who need driveway access should be given the Driveway Regulations and Driveway Permit Application, and the Planning Board designee for driveways should also be notified. After a brief discussion, Member Roman asked about Town fines in cases where loggers start cutting before getting a signed *Intent to Cut* from the Select Board. Selectman Alternate Johnson asked Mrs. Larson to look into that perhaps contacting NHMA Legal Inquiry. Member Lehmann stated the Town could get injunctive relief. A brief discussion followed.

At 8:39 pm the meeting was adjourned.

These draft minutes were approved as amended at the Planning Board meeting on February 19, 2015.

Susan Rauth, Chairperson