

**TOWN OF WEBSTER
PLANNING BOARD
MEETING MINUTES JANUARY 19, 2017**

At 7:02 pm Vice Chairperson Susan Roman opened the regularly scheduled Planning Board meeting and took attendance; members present were Jere Buckley, Nancy Schofield, Selectperson, and alternate members Paul King and Tricia Ilacqua (arrived @ 7:24 pm). Both Mr. King and Ms. Ilacqua were appointed by Vice Chairperson Roman to serve as voting members due to the absences of Chairperson Rauth and Member Lynmarie Lehmann. The only member of the public in attendance was Webster resident, Ms. Deborah DeCato who was representing property owner Mr. Steven McCormack who was unable to attend.

Due to the full agenda, Vice Chairperson Roman deferred review of the draft minutes from December 4th and December 15th until later in the meeting.

The first order of business was an informational presentation by Marty Bender and Ron Leland, Energy Committee members, regarding the proposed warrant article for a solar array for the Town. Mr. Bender proceeded to distribute handouts. Mr. Bender stated that the solar array would be supplying electricity for the Town Hall, the Veterans' Memorial, the Salt Shed and the Public Safety Building. The estimated cost and installation of the solar panels will be \$99,000 plus \$15,000 for the fence. Mr. Bender stated that the State of NH PUC gives a rebate of 30%. Mr. Bender explained that with a bond for seven years with Franklin Savings Bank at 2.75% the annual cost to the Town during those seven years would be approximately \$12,400 plus or minus which is not much more than the \$11,000 per year the Town is paying now for electricity. Mr. Bender stated he could not see anything negative about the proposal. Vice Chairperson Roman agreed. After a brief discussion, Mr. Bender and Mr. Leland thanked the Board for their time and reminded everyone about the informational meeting on January 30th at 7:00 p.m. the Webster Town Hall about the proposed warrant article for the installation of solar arrays. Mr. Bender added that a representative from Granite State Solar will be at that meeting to answer questions.

At this time Member Buckley made a motion that based on the estimated information supplied to the Board by Marty Bender that the Planning Board go on record indicating that they support at least in principle the project that's being proposed; seconded by Selectperson Schofield and approved unanimously.

Vice Chairperson Roman asked Member Buckley if it would be okay for the Board to listen to the conceptual consultation before he presented Mrs. Buckley's application for a lot line adjustment. He agreed.

The Board invited Ms. Deborah DeCato, representing property owner Steven McCormack, to sit at the table to discuss the second conceptual consultation about their proposed subdivision of lot 7 – 9 at 234 Battle Street. Member Buckley stated that at the previous conceptual, the Board basically questioned the exact status of the discontinued roads involved. Ms. DeCato stated the road on Leslie Corliss's property had been barricaded by Mr. Corliss over twenty years ago. She stated the other discontinued road is a right of way to the former Mock property which is now Chuck Rose's property. At this time the Board reviewed the plot plan of the property that was provided with their agendas. Ms. DeCato also gave the Board a hand drawing of the lot and a picture from Google Earth which showed all the structures on the lot. Vice Chairperson Roman stated the lot did meet the regulations with between ten and four acres and it did exist as a lot at the time the five acre zoning was passed. Ms. DeCato presented the Board with Mr. McCormack's original deed from 1988 when he purchased the home with the five acres and the right-of-way. After a brief discussion, Vice Chairperson Roman asked Ms.

DeCato if she knew where Mr. McCormack was planning on putting the line of subdivision. She stated she did not know exactly; one lot would have Mr. McCormack's house and the other would have the barn with the accessory apartment, which had been approved by a ZBA special exception in September of 2000. Ms. DeCato stated that each structure had their own well and septic system. Vice Chairperson Roman pointed out that there has to be frontage on a public road. Member Buckley brought up the question that if one has frontage on a Class V road does the access have to be from the public road. He felt it did not necessarily have to be so. Vice Chairperson Roman stated the property owner would just have to put in another driveway if it was found to be required to have access from the public road. Ms. DeCato stated they did not have the money to do that. Ms. DeCato stated that she and Mr. McCormack maintain the discontinued road; they put gravel on it when it needs it; another property owner/abutter to the road, plows it. She added that Chuck Rose uses that road to access his woodlot and when he damages the road he fixes it. Member Buckley stated that it sounded like it was a de facto private road, and if Ms. DeCato and Mr. McCormack were proposing to do something new on that private road then they would have to go to the Select Board to get their permission, but, stated Member Buckley, since it's pre-existing, that puts it in a different light. Vice Chairperson Roman referred to page 7 in the **Zoning Regulations**; **Article IV Lot Area and Yard Requirements**.

After a brief discussion, Vice Chairperson Roman proposed that the Board write a letter to Mr. McCormack. She pointed out to Ms. DeCato that the subdivision line has to be drawn so that it meets the lot area and yard requirements as stated in the **Zoning Regulations**. Member Buckley stated that at some point the Board would have to see a survey. Ms. DeCato stated she did not want to go through the trouble/expense of that before she knows if the subdivision will be approved. The Board did understand her dilemma; however, Vice Chairperson Roman stated that without even a sketch of where the line is going to be, the Board can't be sure it would satisfy the regulations. Vice Chairperson Roman reviewed with Ms. DeCato Article IV from the **Zoning Regulations**. If those lot area and yard requirements could not be met, the Planning Board would not be able to approve the application. In that case, Ms. DeCato and Mr. McCormack would have to apply to the Zoning Board of Adjustment for a variance. After a brief discussion, Ms. DeCato stated she would take measurements. Vice Chairperson Roman informed her that all the regulations were on the website. Vice Chairperson Roman recommended that Ms. DeCato start with a blow-up of the tax map plot plan, draw the houses and the subdivision line. Vice Chairperson Roman went over the details of the distances to be shown on the drawing. She made clear that there had to be 100 feet between the two houses to comply with the 50 foot setback requirement. Vice Chairperson Roman reiterated that the subdivision must result in legal lots, i.e., each lot must be at least two acres; each lot must have 250 feet of frontage on the road that serves them; each lot must be 150 feet wide 200 feet back. Vice Chairperson Roman explained the reasoning behind that was to avoid irregularly shaped lots. After a brief discussion, Vice Chairperson Roman asked the Board if they saw any problem with having Ms. DeCato's and Mr. McCormack's driveways' accesses on the discontinued road. Member Buckley stated he did not. Vice Chairperson Roman stated if there happened to develop a personal problem with property owners, then Ms. DeCato and Mr. McCormack would just have to build a driveway access from Battle Street. Member Buckley stated that he was strongly influenced by the 'pre-existing, non-conforming' phrase. Vice Chairperson Roman agreed. Member Buckley stated he did not see any obvious problem. Vice Chairperson Roman and Member Buckley will work together to draft a letter to the property owner, Mr. McCormack. Vice Chairperson Roman stated because this was a conceptual no vote need be taken. She reiterated to Ms. DeCato that because it was a conceptual neither party was bound by anything; the Planning Board was working in good faith to get the property owners where they want to go. Ms. DeCato was most agreeable. She stated she would get the measurements and she would call Mrs. Larson to be put on a future Planning Board meeting agenda.

The next order of business was the Planning Board review of application number 17-01 from Caryl D. Buckley for a Lot Line Adjustment/Annexation between two parcels of land both owned by Mrs. Buckley, located on tax map 4, lots 2 and 6. Member Buckley was the authorized agent for his wife, Caryl, so he recused himself from the Board and then presented the accompanying plot plan with the explanation that the purpose of the application was to transfer 1.66 acres from lot 4-6 to lot 4-2 whereby lot 4-6 would decrease to 16.807 acres and lot 4-2 would increase to 3.44 acres, but would not create a new lot. Mr. Buckley informed the Board that Member Lehmann and Alternate Member King had walked the bounds last month. Mrs. Larson informed the Board she had received an e-mail from Member Lehmann stating she was not able to attend this meeting, however, she had walked the bounds and everything seemed in order. Vice Chairperson Roman asked the Board if there were any questions; there were none. Acting Member Ilacqua made a motion to accept the application as complete; seconded by Acting Member King and approved unanimously. Acting Member Ilacqua then made a motion to approve the application; seconded by Acting Member King and approved unanimously. Vice Chairperson Roman stated that approval was also subject to the Board receiving the two mylars. She also stated for the record that the bounds were already walked and approved and the monuments were all installed at the points that were shown on the application plot plan. Mr. Buckley thanked the Board and returned to the table in his capacity as a Planning Board member.

The next order of business was the review of a draft letter by Member Buckley to Mr. Lawrence regarding his driveway permit application for construction at 107 New Hampshire Drive. The Board members referred to copies of Mr. Lawrence's driveway permit application and his drawing. Vice Chairperson Roman recapitulated the issue for Selectperson Schofield due to her absence at the previous Planning Board meeting when discussion about the driveway application took place. Vice Chairperson Roman stated the current driveway has two accesses on the road, and what Mr. Lawrence is conceptually talking to the Board about is a modification, which requires the application. Mr. Lawrence's proposal would effectively leave the situation more dangerous and more problematic by leaving a single parking space without a turnaround. Member Buckley added that the sightlines were not good. During a lengthy and in depth discussion, the Board made some changes to Member Buckley's draft letter. The letter will present three options to Mr. Lawrence:

1. Withdraw the application and leave the driveway in its current configuration.
2. Abandon the left-hand entrance entirely, i.e., converting all of the left-hand hand driveway to lawn.
3. Abandon the right-hand entrance rather than the one on the left.

The Board supported sending this letter to Mr. Lawrence.

At this time Vice Chairperson Roman addressed the business of the draft minutes. She stated that the December 15th minutes were so long and complicated with a lot from Member Lehmann, that she would like Member Lehmann to review them. Vice Chairperson Roman stated she would send Member Lehmann an e-mail stating that if she could not be at the next meeting, to please review the minutes and make any changes. The Board agreed.

Vice Chairperson Roman then brought forth the draft minutes from the December 4th work session for review. Member Buckley pointed out two sections of the minutes that were in square brackets which seemed to be answers to questions subsequent to the meeting. After re-reading the minutes, Vice Chairperson Roman stated those two sections were not minutes from the work session. She stated she liked the information, but she felt they had to be struck from them as minutes. After a brief discussion, Vice Chairperson Roman proposed that

those two bracketed sections be part of these minutes, i.e., that the Board note that Sue Rauth has conducted further investigations on standards and has ascertained the following:

- “The common surveying standards in Subdivision Regulations are 1 in 10,000 error of closure; lines at the nearest 100th of a foot and bearings to the nearest 10 seconds; per Matt Monahan, CNHRPC.”
- “In a subsequent follow-up, Matt indicated the source is the *NHDOT Minimum Design Standards for Rural Subdivision Streets*.”

Member Buckley made a motion to approve the December 4, 2016 Work Session minutes as amended; seconded by Vice Chairperson Roman and approved with two abstentions – Selectperson Schofield and Alternate Member Ilacqua as they were not in attendance on December 4th.

The next order of business was to schedule a work session in February for continued review and amending of the Subdivision Regulations. The Board agreed to meet on Saturday, February 11, 2017 at 9:00 am in the Select Board’s conference room at Town Hall. Mrs. Larson will post at the appropriate time.

At this time, Vice Chairperson Roman and the Board acknowledged a Thank You note from Mrs. Larson.

At 8:58 p.m. Acting Member Ilacqua made a motion to adjourn; seconded by Member Buckley and approved unanimously.

These draft minutes were approved as written at the March 16, 2017 Planning Board meeting.

Respectfully,

Susan Rauth, Chairperson