

**TOWN OF WEBSTER
PLANNING BOARD
MEETING MINUTES MARCH 16, 2017**

At 7:03 pm Chairperson Rauth convened the regularly scheduled meeting of the Planning Board and took attendance. Members present were Vice Chair, Susan Roman and newly appointed member Paul King and alternate member Tricia Ilacqua. Chairperson Rauth appointed Ms. Ilacqua to be a voting member for the meeting due to the absence of Member Lynmarie Lehmann.

The next order of business was the review of a Lot Line Adjustment/Annexation Application #17-02 from applicants James Bohringer of 243 Gerrish Road and the Rockefeller Trust Co., Trustee of the Christopher R. Lindstrom Trust. The Mr. Bohringer applied to have 6.90 acres transferred from Mr. Lindstrom's abutting lot thereby increasing lot 8-1-2 to a total of 12.27 acres and decreasing Mr. Lindstrom's lot 8-1-1 to 117.90 acres. Mr. Bohringer was also the authorized agent for Mr. Lindstrom who could not be in attendance. The board invited Mr. Bohringer to the table to present the application and go over the site plan. After a brief discussion between the Board and Mr. Bohringer, Vice Chair Roman made a motion to accept the application; seconded by Acting Member Ilacqua and approved unanimously. There were no more questions. Vice Chair Roman made a motion to accept the lot line adjustment and annexation as applied for subject to walking the boundaries. Before a second was made to the motion, Vice Chair Roman noticed there were rebar bounds instead of granite indicated on the plat. The Subdivision Regulations do require newly set boundary markers to be granite unless there is ledge. After a brief discussion, Vice Chair Roman made the motion to approve the lot line adjustment subject to a review by the surveyor as to how the bounds will be marked in accordance with Section 9.9 of the Subdivision Regulations with appropriate changes made to the plat and subject to receiving that final plat and the appropriate number of copies and walking the bounds; seconded by Member King and approved unanimously.

The next order of business was a Conceptual Consultation with Webster resident, Joan Weinstein, concerning subdividing her vacant lot 6-93 of 85 acres on Clothespin Bridge Road. Ms. Weinstein explained that her lot only had approximately thirty (30) feet of frontage on Clothespin Bridge Road. Ms. Weinstein informed the Board that she was thinking of doing a lot line adjustment rather than a subdivision. Ms. Weinstein proposed contacting her abutters to see if either one would be willing to sell her property or do a lot line adjustment in order to meet the 250 feet frontage requirement. After a brief discussion, Vice Chair Roman stated what Ms. Weinstein proposes to do would make the lot more conforming. Vice Chair Roman stated that conceptually neither party was bound by the conversation. Ms. Weinstein understood that. Ms. Weinstein said if she is able to get the 250 feet, then her lot would be a legal lot and she could hopefully do something with it and come back to the Board with a Lot Line Adjustment Application. She thanked the Board for their time.

The next order of business was review of a *Driveway Permit Application for Construction* that is also part of Building Permit #17-01 for 682 White Plains Road. Member King is now the Planning Board designee for reviewing driveway permit applications because of former Member Buckley's resignation. Member King will work closely with the Town's Road Agent/Fire Chief. After a review of this particular application and a brief discussion, it was decided that Member King would contact Jere Buckley to see if he would accompany Member King on this inspection.

The next order of business was discussion regarding a potential illegal subdivision. Vice Chair Roman stated that this pertains to a parcel of property which had a piece of property annexed to it by virtue of a lot line adjustment. It was approved by the Planning Board in 2006. The property owner then gave a mortgage to a

bank and the bank took a mortgage on the property of this owner but the description of the mortgage excluded the lot that had been annexed. That lot happens to be the land over which the driveway passes and happens to constitute quite a bit of the frontage. Vice Chair Roman explained that when a lot line adjustment is approved by the Planning Board, the plat is recorded with the following restriction (as per the Town of Webster Subdivision Regulations):

"The grantee(s) by virtue of acceptance of this deed agree that the premises hereby conveyed shall not be deemed or considered a separate lot of record, but shall be regarded as merged into and made an integral part of the contiguous lot of land previously owned by the grantee(s) so that the same shall hereafter be one combined single lot of record."

Vice Chair Roman stated the bank took only the former piece without the annexed and merged piece. She stated, that in itself, was a 'constructive subdivision'. Continuing, Vice Chair Roman said then the bank foreclosed on it; bought the piece and transferred it to a third party. Now what the Town is confronted with is drawing tax maps that effectively subdivide what was required to be a merged contiguous lot because now it has two owners. Vice Chair Roman informed the Board and the members of the public that the Board wrote to New Hampshire Municipal Association lawyers. Vice Chair Roman read the following response from Stephen C. Buckley, Legal Services Counsel for the NH Municipal Association:

*"It is entirely possible that the effect of the foreclosure and conveyance by the bank constituted an illegal subdivision contrary to RSA 676:16. This discussed in more detail in the attached case **Town of Windham v. Lawrence Savings Bank, 147 N.H. 517 (2001)**. The remedy the town may pursue is to seek the imposition of civil penalties and possibly injunctive relief. Any loss of assessed value would not likely be an actionable claim. You need to engage the services of your town attorney to undertake an enforcement action against the bank involved."*

Vice Chair Roman stated that the Planning Board is not the town board that would initiate legal actions for enforcement. She made a motion that the Planning Board refer this to the Select Board with all of the attendant documentation; seconded by Member King and approved unanimously. Vice Chair Roman offered to draft a cover letter to the Select Board.

The next order of business was the Capital Improvement Project (CIP). Chairperson Rauth discussed the formulation the CIP committee. She passed out a draft of her proposal. She stated she would like to keep the committee on the smaller side with a good composition of Planning Board members (2 – 3), a Select Board member, members from other town boards, Leslie Palmer representing the Town Administrative staff, and one to three town citizens. Roger Becker has offered to be on the project. Chairperson Rauth's goal is to get started in April. She said the committee will work for the next six or seven months to gather information from all the town departments for long range capital needs for the next six years. Vice Chair Roman suggested advertising for CIP volunteers in the Grapevine and on the town's website. Chairperson Rauth stated that people need to know that volunteers of all ages are needed to help the town boards. At this time Member King volunteered to be on the CIP Committee.

The next order of business was the continued discussion about amending the Subdivision Regulations. Chairperson Rauth suggested having one or two more work sessions before summer as they were very close to completion. The tentative date for a work session is April 1st at 9:00 am at Town Hall with a back-up date of April 15th depending on Member Lehmann's availability. Chairperson Rauth asked the members to please review the 'Design Standards' section before the work session. A brief discussion ensued.

At this time the Planning Board informed three members of the Conservation Commission who had just adjourned from their meeting, about the Master Plan survey the Planning Board would be distributing.

The next order of business was review of the draft minutes from December 15, 2016, January 19, 2017 and February 16, 2017. Vice Chair Roman made a motion to approve the January 19, 2017 minutes as written; seconded by Acting Member Ilacqua and approved 3 – yes; 1 – abstention – Chairperson Rauth was not in attendance at that meeting.

Regarding the February 16, 2017 minutes, Vice Chair Roman referred to page 2, the second and third sentences of the second paragraph. An amendment will be made as follows:

“Member Roman would like to speak about the Master Plan perhaps before Town Meeting begins on March 18th. She will contact the Moderator, Bob Pearson.”

Amended to read:

“Member Roman would be willing to work on a short presentation for before Town Meeting.”

Continuing the discussion of the February 16th minutes, Chairperson Rauth referred to page 1, the fourth paragraph. She commented that she did not think what was written did not make clear what she was trying to convey. She clarified that even though the town does not have other amenities like surrounding towns and may be considered difficult to get to, it is a *very special* place to live. She also wanted to amend the second sentence, fifth paragraph on page 2 from:

“Each of the town departments will be asked to fill out application forms with regards to long range planning and the prioritization of their capital needs out six years.”

Amended to read:

“Each of the town departments will be asked to fill out application forms with regards to long range planning and the prioritization projecting their capital needs for the next six years.”

Vice Chair Roman made a motion to approve the February 16th minutes as amended; seconded by Acting Member Ilacqua and approved unanimously.

At 8:41 pm Vice Chair Roman made a motion to adjourn; seconded by Member King and approved unanimously.

These draft minutes were approved as written at the Planning Board meeting of May 18, 2017.

Respectfully,

Susan Rauth, Chairperson

Approved as Written