

Webster Planning Board

Minutes - Meeting of April 19, 2007

Present: Chairman Cliff Broker; selectmen member Tom Mullins; members Jere Buckley (Secretary), Richard Doucette, and Alan Hofmann; and alternates Richard Cummings and Sue Rauth. Also present: Selectmen George Hashem and David Klumb, Fire Chief Adam Pouliot, a number of Town residents, and representatives of applicants.

Chairman Broker convened the meeting at 7:00 p.m. Attendance was taken, with the results noted above.

The Board was informed that the selectmen have designated Tom Mullins as the selectmen member of the Planning Board with George Hashem as his alternate.

Upon motions made by Mr. Hofmann and seconded by Mr. Doucette, Mr. Broker and Mr. Buckley were unanimously re-elected as chairman and secretary, respectively.

Mr. Buckley advised the Board that he and Mr. Hofmann are scheduled to make a second attempt to walk the bounds of the Kimball property, this time accompanied by the surveyor. He asked for guidance on how to respond to bounds set too high or too low in the absence of clear guidelines on this topic in the *Subdivision Regulations*. The Board recommended the use of case-by-case best judgment.

The Board moved to the subject of a public hearing on the Piper 4-lot subdivision on Tyler Road, for which an application had been accepted at the March meeting. Mr. Broker, an abutter, recused himself from the proceedings, designating Mr. Doucette to serve as acting chair and Mr. Cummings to assumed voting status. Mr. Doucette opened the public hearing. Surveyor Webb Stout, representing Ed and Nancy Piper, reviewed the proposal. There was no public comment. At the conclusion of the public hearing, upon motion made by Mr. Buckley and seconded by Mr. Hofmann, the Board voted unanimously to approve the proposed subdivision, subject to setting all bounds, submission of final Mylars, and walking the bounds.

Mr. Broker resumed the chairmanship of the meeting and Mr. Cummings resumed non-voting status.

Mr. Broker noted that the subject of the payment options for impact fees had been tabled at the March meeting pending the Town vote on a proposal to adopt a building code. Given the rejection of that proposal, it was agreed that either direct payment at the time of building permit application or a bank letter of credit will be acceptable. Administrative Assistant Judy Jones has reportedly established procedures enabling these options.

The Board reviewed the minutes for the 15 March meeting. Upon motion made by Mr. Doucette and seconded by Mr. Hofmann, those minutes were unanimously approved as written.

Mr. Broker noted that the Board needs to address confusing aspects of the Zoning Ordinance, in particular an apparently omitted section thereof. Mr. Cummings agreed to search his records for a copy of the missing text.

Mr. Broker also reminded the Board of the need for a work session on road classifications, as indicated in the March meeting. Mr. Mullins opined that the subject will require considerable research, and suggested that the proposed work session should also address the need for a mechanism to assure maintenance of new roads in the absence of Town acceptance thereof. There was brief mention of the atypical circumstances associated with Frost Lane.

The Board considered a submission from Peter & Gary LLC intended to correct discrepancies on the plat describing a Little hill subdivision approved in December of 2006. Mr. Broker did not want to sign and affix a current date to a plat stating a no-longer-in-effect version of Webster's zoning regulations. Tracey Sweeney, representing Peter & Gary LLC, agreed to change the wording on the plat to make it clear that the zoning requirements cited were those in effect at the time of the original approval.

The Board then resumed discussion of an application for a 3-lot subdivision and lot line adjustment on Little Hill Road, presented by Tracey Sweeney of Richard Bartlett surveyors, representing Peter & Gary LLC. Review of this application had been tabled at the March meeting to allow the applicant an opportunity to correct some discrepancies on the submitted plat.

Prior to review of the application, Mr. Mullins asked Fire Chief Adam Pouliot to comment on the proposed subdivision. Mr. Pouliot noted that the site is quite far from any fire-fighting water source, that the nature of the proposed subdivision meets the NFPA fire code definition of "Planned Building Group", and that any development thereon would be subject to fire code requirements including the need for a fire pond/ dry-hydrant, a cistern, or sprinkler systems. He offered this information by way of a heads-up to the applicant,

hoping to avoid the kind of contention that has arisen on the subject elsewhere in Town. Mr. Sweeney expressed concerns about the cost implications of these requirements and worried that his client was being singled out for enforcement thereof. The Board noted that the requirements are State-mandated, i.e. beyond the control of the Town. They further noted that the Board has only recently become fully aware of these requirements and that, while their enforcement may have been inadequate in the past due to lack of awareness, the Board is obligated to assure their enforcement henceforth.

In the latter regard, it was noted that, in the same meeting, the Piper subdivision was approved with no mention of the fire code requirements. The Board agreed that, had they had the information provided by Mr. Pouliot, they would have given the Pipers the same heads-up. Accordingly, it was agreed that a letter should be sent to the Pipers advising them of the fire code requirements to which their subdivision will be subjected.

The Board then reviewed the revised application submitted by Mr. Sweeney. Review of the associated plat revealed an incorrect acreage value in Note 5 (it should be 5.01 acres, not 3.51 acres). It was also noted that the plat fails to show the 100-foot setback from the road, as required by the recently revised zoning ordinance. The Board also requested that the two new lots be indicated both in the field of the plat and in Note 5 as Lot 2-1 and Lot 2-2 instead of Lot 1 and Lot 2. Mr. Sweeney agreed to make these changes.

Returning to a point made at earlier meetings, the Board again noted that the road abutting the Peter & Gary LLC subdivision changes from Class V to Class VI at the snow plow turnaround at the northerly end of the subject property.

Upon motion made by Mr. Buckley and seconded by Mr. Hofmann, the Board voted unanimously to accept the application contingent upon the applicant's correction of the identified plat deficiencies.

After some discussion about whether or not to proceed with the planned expedited hearing based on a conditional application acceptance, the Board decided in the affirmative. Mr. Broker accordingly opened the public hearing at 8:20 p.m. There was no public comment, other than an indication of support from a potential buyer of one of the new proposed lots. At the conclusion of the public hearing, upon motion made by Mr. Hofmann and seconded by Mr. Doucette, the Board unanimously approved the proposed subdivision and lot line adjustment, subject to submission of final Mylars and walking the bounds.

The Board considered a 2-lot subdivision application from Leslie Syvertsen for property on Tyler Road. Surveyor Art Siciliano represented the applicant. The Board noted that the applicant does not yet have the required State driveway permits, has not shown the required 100-foot setbacks from the road, and has not properly cited the 5-acre zoning requirement. Consideration of the application was tabled until 7:15 p.m. at the 17 May meeting to allow the applicant to address these issues. The Board agreed to an expedited public hearing at that meeting if the application is accepted and if no significant additional problems are apparent.

Mr. Michael Hollins approached the Board to inquire if any assistance was available for repairing a washed-out driveway on Mutton road. He suggested that Town improvement of an upstream culvert had been a contributing cause of the failure. The Board noted that he is located in the path of a major drainage flow and that failure under recent conditions was probably inevitable. It was suggested that he ask the selectmen to approve no-cost-to-the-Town support from the Road Agent, perhaps in the form of a good price on a culvert.

By unanimous consent, the meeting was adjourned at 8:52 p.m.

The next regular Board meeting will be at 7:00 p.m. on 17 May.

Respectfully submitted,

Jere D. Buckley, Secretary