

**TOWN OF WEBSTER
PLANNING BOARD
MEETING MINUTES MAY 17, 2012**

At 7:02 p.m. Chairman Jere Buckley convened the regularly scheduled meeting of the Webster Planning Board.

Present were Chairman Buckley, Selectman Roy Fanjoy, and member Susan Roman; alternates present were Rick Cummings, M.J. Turcotte and Mark Lorden (arrived at 7:19 p.m.) In the absence of members Rauth and Donovan, Chairman Buckley appointed Rick Cummings and M.J. Turcotte to serve as voting members, respectively. Also in attendance was the agent for P.S.N.H., Mr. David Crane, Arborist and Preventive Maintenance Coordinator.

The next order of business was the review of the draft minutes from the April 19, 2012 meeting. Selectman Fanjoy made a motion to accept the minutes as written. Motion seconded by Member Roman and was passed unanimously by the Board.

Next on the agenda was the Public Hearing, however, it was scheduled for 7:05 and it was too soon at this time to start the hearing. Chairman Buckley took this time to broach another subject. He stated that he had attended the ZBA meeting last week because one of the applicants for a special exception for a home business for child care had the potential to come before the Planning Board for a Site Plan Review. The ZBA approved the application. The applicant is not planning any type of development or external modifications to the house; only minimal internal modifications to the interior. Chairman Buckley pointed out that per the Site Plan Review Regulations section VII, *"The Planning Board may waive any requirements listed in the Site Plan Review Regulations, where it finds that such regulation does not apply to the proposed development."* Chairman Buckley was thinking about perhaps waiving the Site Plan Review. Member Roman stated that she hadn't seen any paperwork concerning the application and asked to table this subject until later in the meeting.

Before convening the public hearing, Chairman Buckley explained that the letter of intent from P.S.N.H. regarding the tree trimming on the scenic roads somehow ended up with the Board of Selectmen. Pursuant to R.S.A. 231:158, the public hearing process in this situation is a planning board function.

7:06 p.m.: Chairman Buckley officially opened the public hearing. Chairman Buckley stated that the hearing was being recorded and explained the procedure to everyone present. Chairman Buckley then recognized Mr. Crane to tell the Board and the public what was being proposed. Mr. Crane stated that what P.S.N.H. is proposing is part of their routine maintenance program. P.S.N.H. trims trees and brush around their poles on average every four to five years; it has been four years since they last trimmed the Town of Webster. Specifications have not changed in over twenty years. In general, they like to remove any trees or limbs four inches in diameter or less that are within eight feet to the side of their lines; ten feet below their lines and fifteen feet over their lines. This

maintenance is needed in order not to have power outages caused by limbs with heavy snow or ice that may be near the poles or may somehow pose a threat to the lines. P.S.N.H. will take down larger trees on a case by case basis if they are dead, decaying or structurally defective or somehow pose a threat to the lines. Mr. Crane stated that Asplundh Tree Expert Company has been contracted to do the work. P.S.N.H. will be trimming everything they service within the southern half of the Town of Webster this year. P.S.N.H. does require that Asplundh contact every landowner who will be affected before any work is done. Mr. Crane stated that he had not had any issues reported to him as far as difficulties with any of the landowners. At this time, Mr. Crane completed his proposal and referred back to the Board for their questions. A brief discussion followed. Member Roman asked about the cutting of trees on Dustin Road, which she thought was quite severe. She was concerned about the impending work on the scenic roads. Mr. Crane explained that on Dustin Road they took down very large trees which impacted the visibility. They had to put new wire in the Dustin Road area that had never been trimmed before; hence, they had to take trees down. The wire had to be installed due to the population growth and increased load of electricity. That was a completely different impact than the proposed trimming on the scenic roads. Member Turcotte needed clarification regarding what recourse the landowner has. Mr. Crane explained that after the landowner is notified by mail, he/she may set up a meeting with Mr. Roger Landry of Asplundh to go over their concerns and requests.

At this time Chairman Buckley asked if there were any more questions or comments from the public. Liane and Jim Wind of Clothespin Bridge Road, Gloria Carlisle of Pleasant Street and Abby Rockefeller of Gerrish Road all expressed concerns about keeping the roads scenic. Ms. Rockefeller has met with Mr. Landry and will be meeting with him again. Mr. Crane addressed each of their questions and concerns during a lengthy and in depth discussion. Member Turcotte inquired about the timeframe between the property owner's receipt of the notification card and the commencement of the trimming. Mr. Crane stated it would be 45 days. If the property owner does not respond within that timeframe, it is deemed to be the property owner's consent to trim or cut per R.S.A. 231:172. Mr. Crane stated that property owners have the right to say "No" to any work proposed by P.S.N.H. However, if P.S.N.H. has an easement on the property, they, P.S.N.H., do have the right to cut according to what is stated in the easement. Also, they have the right to cut whatever is in the public right of way of the Town. After a brief discussion, Member Roman inquired of Mr. Crane as to the location of P.S.N.H.'s standards. He believed they were posted on the P.S.N.H. website.

7:53 p.m.: Chairman Buckley closed the public hearing. Selectman member Fanjoy and Member Cummings did not have any problems with the proposal. No other comments were made. Chairman Buckley asked if someone would like to make a motion to grant the written request required by R.S.A. 231:172, with the understanding that everything will be in accordance with the P.S.N.H. letter of intent dated March 16, 2012; valid until December 31, 2012. Member Cummings made the motion as stated; it was seconded by Selectman Fanjoy and passed unanimously.

Following the public hearing the Board addressed the next item on the agenda which was the discussion of a proposed Zoning Ordinance change dealing with cell tower modifications. On May 2, 2012, the Board of Selectmen received a letter asking for approval to upgrade the U.S. Cellular Network on the cell tower overlooking Ox Pond off of Dustin Road by removing six panel antennas and installing three new panel antennas at the same height. The upgrade will not increase the height of the tower and the new panel antennas will be similar in size and color as the existing antennas. No additional ground equipment will be placed on site. Chairman Buckley stated that after some research, it was discovered that neither our cell tower ordinance nor the relevant R.S.A.s' address changes or modifications to cell towers. The Board of Selectmen reviewed all the information that was provided and determined that the proposed modification did not require approval from the Planning or Zoning Board. The Board of Selectmen granted U.S. Cellular permission to proceed with their upgrade. Chairman Buckley stated that because of discovering this deficiency in our Zoning Ordinance, it needs to be corrected. After a brief discussion, Chairman Buckley gave each Board member a draft copy of the proposed new paragraph to be added to Article V section 8 of the Zoning Ordinance, Personal Wireless Service Facilities (PWFS) to be reviewed and discussed at a future meeting.

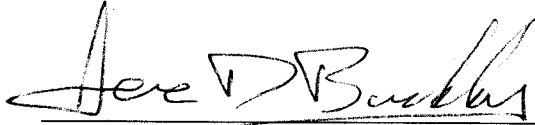
At this time Chairman Buckley returned to the previously raised question regarding the possibility of waiving the Site Plan Review for an applicant's home business for child care. Member Roman asked if there was a pending application to which Mrs. Larson responded in the affirmative. Member Roman was not sure if a public hearing could be waived after receipt of an application. She stated the Board could waive the requirement of the Site Plan *at* the public hearing. She was not sure if they could waive the public hearing; abutters and the public have rights to be notified and heard. After a brief discussion, the Board decided not to waive the Site Plan Review requirements and that the review of the application and public hearing would proceed per the Site Plan Regulations.

The next item on the agenda was the continued review of the draft of the *Rules and Procedures* document. Before proceeding, Member Roman wished to raise a question about other business the Board may want to put on their agenda in the future. She was troubled by the Azmy situation. After a brief discussion, Chairman Buckley asked Member Roman if she would like to volunteer to do more research. She said she would, but it wouldn't be for the next meeting. Alternate Member Lorden offered his assistance to Member Roman. Selectman Fanjoy suggested finding out if other towns have the same issues and what may have been done in those situations.

Due to the absences of Members Rauth and Donovan, Chairman Buckley suggested continuing the discussion of the *Rules of Procedure* document at the next meeting on June 21, 2012.

Upon a motion made by Selectman Fanjoy, seconded by Member Cummings, and unanimously approved, the meeting was adjourned at 8:28 p.m.

Planning Board approved as written, June 21, 2012.

A handwritten signature in cursive script, reading "Jere D. Buckely", written over a horizontal line.

Jere Buckely, Chairman

APPROVED