

**TOWN OF WEBSTER  
PLANNING BOARD  
MEETING MINUTES JUNE 21, 2012**

At 7:00 p.m. Chairman Jere Buckley convened the regularly scheduled meeting of the Webster Planning Board.

Members present were Chairman Buckley, Selectman Ex officio member Roy Fanjoy, Susan Rauth and Mason Donovan. No alternate members were present. Also in attendance were Dianne Pratt, the Site Plan Review applicant for the scheduled public hearing and David Collins, resident of the Pillsbury Lake District, who wished to express his concerns regarding the proximity of an abutter's swimming pool and an existing shed.

The next order of business was the review of the draft minutes from the May 17, 2012 meeting. Selectman Fanjoy made a motion to accept the minutes as written. Motion was seconded by Member Donovan and was passed unanimously by the Board.

Next on the agenda was the Public Hearing, however, it was scheduled for 7:05 p.m. and it was too soon at this time to start the hearing. Before convening the public hearing, Chairman Buckley gave some background information regarding Mrs. Pratt's application. According to the application process for a home business, Mrs. Pratt did apply to the ZBA for a special exception for a home business. The ZBA did approve the application contingent upon the completion of a Life Safety Code inspection of the home and applying to the Planning Board for a Site Plan Review. Mrs. Larson did inform Chairman Buckley that the Life Safety Code inspection was completed and the actual suggested upgrades were also completed by the applicant.

**7:05 p.m.:** Chairman Buckley officially opened the public hearing. He asked Mrs. Larson if the public hearing was properly posted and if the required fees were paid to which Mrs. Larson answered in the affirmative. Chairman Buckley stated that the hearing was being recorded and explained the procedure to everyone present. Chairman Buckley then recognized Mrs. Pratt. Mrs. Pratt stated that she hoped to open a small child care business at her future home at 1607 Battle Street which she will be buying from her parents, David and Carol Batchelder. Her background was in early childhood education. She stated that she had been a kindergarten teacher for thirteen years. She stated it would be a very small daycare (four children including her own daughter); small impact and no additional building(s). A brief discussion ensued regarding licensing for daycare. If Mrs. Pratt were to have more than four children she would need a license to operate. At this time Chairman Buckley opened up the hearing for any questions. Member Donovan inquired of Mrs. Pratt the age levels of the children. Mrs. Pratt said primarily young children under the age of twelve. Member Rauth stated that she did read the Zoning Board minutes from the May 8, 2012 meeting. She stated that apparently very good questions were asked and adequately addressed. Therefore, she did not have any other questions. At this time Chairman Buckley read the letter of support from Mrs. Pratt's parents, David and Carol Batchelder. He then asked for any members of the public that would like to speak in favor of the proposal. Mrs. Larson, spoke as an abutter

in favor of Mrs. Pratt's proposal with great enthusiasm. Member Donovan then stated that he was an abutter as well but was not sure if he should recuse himself. Chairman Buckley did not believe a recusal would apply in this situation. Member Donovan then stated he did not have any problems with the application. Chairman Buckley then asked if anyone wished to speak in opposition. There were no opposing views.

**7:11 p.m.:** Chairman Buckley closed the public hearing and opened up the topic for Board discussion. Chairman Buckley stated that a lot of the items on the Site Plan Review application checklist were not applicable to this particular situation. Selectman Fanjoy stated he did not have any problems with the application. He had also read the Zoning Board minutes. Member Donovan inquired of the Board if there were any other daycare providers that the Board had approved. Chairman Buckley stated that he could not remember this particular Board ever approving a daycare center, but previous boards have approved licensed daycares in Town. At this time Selectman Fanjoy made a motion to approve the site plan which was seconded by Member Rauth and passed unanimously.

Following the public hearing the Board addressed the next item on the agenda. Chairman Buckley recognized Pillsbury Lake resident David Collins, regarding a problem with the proximity of an abutter's swimming pool and shed to his property line. Mr. Collins built his house in 2006 next door to Mr. & Mrs. Estep. They all had a good neighborly relationship. Recent changes to the Esteps' relationship resulted in Shari changing her name to Ashton and she now owns the home. Last fall Ms. Ashton rented her house out. When Mr. Estep was living next to Mr. Collins, he put up a small shed approximately 6 by 8 feet. Mr. Estep placed the shed several feet from the property line. This was not a concern for Mr. Collins at the time. However, within the last few weeks, Mr. Collins came home one night and noticed that the shed had apparently been moved right next to the 3 foot fence between the properties, which is on the property line. Clearly, this building does not meet the Town's or the Pillsbury Lake District's setback requirements of 12 feet from the property line. Recently Mr. Collins was away for a few days and when he had returned the tenant had put up a soft swimming pool approximately 12 to 14 feet in circumference, 4.5 feet high with approximately 3,000 gallons of water, less than a foot from the fence between the properties and right next to Mr. Collins' shed. Mr. Collins explained that his property slopes down from the property line approximately 2.5 to 3 feet before leveling out in his yard. Mr. Collins' concern is that this situation poses a potential life safety issue for his home and his underground propane gas tank. Mr. Collins stated that water has shifted the pool almost a foot more towards the fence. Mr. Collins tried to speak with the tenant but he was not willing to discuss it. Mr. Collins then contacted the owner of the property, Ms. Ashton. Ms. Ashton was not aware her tenant had a pool. Ms. Ashton stated she would speak with her tenant and get back to Mr. Collins. At this point a discussion ensued regarding how the Zoning Ordinance may address Mr. Collins' concerns. The Board concluded that the shed is definitely a building as defined in the ordinance and is clearly in violation of the setback requirements. However, the swimming pool remains a question mark per Chairman Buckley. He stated

that he believed a judge would probably rule that the setbacks only apply to something that would meet the “building” definition in our Zoning Ordinance. Chairman Buckley stated that the Zoning Ordinance is definitely in need of refinement in this area. Member Donovan agreed because pools are very popular, large structures and have the potential to cause damage. Mr. Collins has spoken to the President of Pillsbury Lake Management and is waiting for their Board’s opinion. Member Rauth suggested to Mr. Collins that he contact the homeowner after he hears from Pillsbury Lake Management and tell her about the research that has been done. Member Donovan added that Mr. Collins’ situation with the pool has certainly prompted the Planning Board to look at addressing swimming pools in the Zoning Ordinance and possibly make changes for next year. Chairman Buckley stated that he wished the Board could do more for Mr. Collins. Mr. Collins was very appreciative for the Board’s time and clarifications. Chairman Buckley will draft a letter to the Board of Selectmen regarding Mr. Collins’ concerns with the abutter’s relocation of the existing shed and the swimming pool. In the letter, the Planning Board will request the Selectmen to advise the homeowner of the abutting property of the need to move the shed in order to comply with the 12 foot setback requirement in both the Town’s Zoning Ordinance and the Pillsbury Lake Property Restrictions and Easements.

At this time Member Donovan suggested waiting until the next Planning Board meeting to continue the review of the draft of the *Rules of Procedure* document due to the absences of Member Roman and Alternates Turcotte, Lorden and Cummings.

Upon a motion made by Member Donovan, seconded by Member Rauth and unanimously approved, the meeting was adjourned at 7:42 p.m.

Planning Board approved as amended, July 19, 2012.

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Jere D. Buckley, Chairman of the Planning Board