

**TOWN OF WEBSTER
PLANNING BOARD
MEETING MINUTES JUNE 20, 2013**

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

Present: Chairman Jere Buckley, Select Board Member Roy Fanjoy, and member Sue Rauth; Alternates - Rick Cummings, M.J. Turcotte, and Tom Clark. Alternates Cummings and Clark were appointed as voting members due to the absences of members Sue Roman and Lynmarie Lehmann.

The first order of business was to review the draft minutes from May 16th. Chairman Buckley pointed out on *Page 5*, the first sentence of the second paragraph, "*Chairman Buckley asked the Board of they were in favor...*" to change **of** to **if**. There were no other comments from the Board. Acting Member Cummings made a motion to accept the minutes as written with that minor correction; seconded by Acting Member Clark and unanimously approved as corrected.

At this time, Chairman Buckley recognized Mr. and Mrs. Joseph M. Hurley of Warner. They had come to the Board with questions about constructing a driveway on a piece of property (tax map 4, lot 68-1) they were interested in purchasing on Roby Road. This piece has extensive frontage on Roby Road and Clough Sanborn Hill Road. The proposed driveway location would be in a 100 foot to 125 foot section just before the road classification changes to Class V on Clough Sanborn Hill Road. The Hurleys were hoping that the Board would look favorably on them putting in the proposed driveway within that section. Chairman Buckley stated that the lot had ample frontage on the Class V section. He saw no problem as long as the driveway complied with the scope and site line requirements of the Driveway Regulations in force at the time they start construction. There were no unfavorable comments from the Board. Chairman Buckley stated that if the Hurleys choose to submit a driveway application in the future, the Board did not see any reason for an objection. The Hurleys thanked the Board for their time.

The next item on the agenda was the pre-public hearing approval of Draft #6A of the proposed RV warrant articles. Chairman Buckley stated he had inadvertently missed the fact that at the last meeting, the Board voted on separating the functions of storage and use for RV's on residential properties. Draft #6A corrects that oversight. There are now separate proposed warrant articles; RV's in campgrounds, use of RV's on residential properties and storage of RV's on residential property. Although this has been a long process, Chairman Buckley stated that he was pretty happy with the work the Board has done. He felt they struck a reasonable balance between the rights of property owners, abutters and the community. Chairman Buckley asked for a motion to tentatively approve this subject for consideration at the October Planning Board meeting along with any other zoning ordinance amendments that they may have developed by that time in anticipation of a probable public hearing in the November timeframe. Acting

Member Clark stated “So Moved”; simultaneously seconded by Member Rauth and Select Board Member Fanjoy and approved unanimously.

The next item on the agenda was the continued discussion of setbacks and the definition of “structure”. Chairman Buckley stated that he had input from Member Susan Roman, who could not attend this meeting. He read aloud her suggested definition of structure which included a list of exceptions. He stated that Hopkinton, Warner, Boscawen, Salisbury, Springfield and Sutton all define “structures” in a general way, sometimes with exceptions and sometimes not. He stated that he liked the wording of the first part of Member Roman’s proposed definition (see No. 1 below). Chairman Buckley then handed out a revised version of his May 16th document. This handout was the basis for discussion of the setback topic. Chairman Buckley’s handout cited three suggested revisions to the Zoning Ordinance. The following are excerpts from the Chairman’s handout:

1. *“Add a definition of ‘Structure’, a term used 69 times in the ordinance but not currently defined. Do so in broad terms, subject to later elaboration when needed in specific circumstances...”*
Structure: *Anything constructed, placed, or erected above or below ground, either fixed or movable.”*
2. *“Change the definition of ‘Setback’ to apply to ‘structures’ instead of ‘buildings’; to cite ‘shortest horizontal distance’ rather than ‘distance’; to substitute the simple term ‘lot boundary line’ for more complicated references to side lines, shorelines, and right-of-way lines.*
Setback: *The shortest horizontal distance between a structure and a lot boundary line.”*
3. *“Revise Article IV Sections 4 and 5, which specify setback requirement, to apply to apply to structures instead of buildings, with explicitly stated exceptions in a new Section 6 (with re-numbering of subsequent paragraphs)”. (This section addresses setbacks in Pillsbury Lake District and the Residential/Agricultural District of the Town.)*

Specific to the *Pillsbury Lake District*, Alternate Turcotte pointed out in their covenants and easements there is an additional setback requirement for corner lots which must be twenty (20) feet from any side street lot line. Chairman Buckley will add that requirement to the proposed Article IV Section 5.

Specific to *The Residential/Agricultural District*, Chairman Buckley asked the Board for their opinions regarding the possibility of different set back numbers for buildings and other structures. Acting Member Cummings and Member Rauth thought it was a good idea. Chairman Buckley stated that in the past, Acting Member Cummings, among others, had commented that a 100 foot setback from the road on a big piece of property

was a lot of land. Acting Member Cummings explained that on a 5 acre lot, setbacks of 100 feet from the road and 50 feet from the side and rear boundaries result in over 2 acres that basically cannot be used. Chairman Buckley suggested a variation such as “a minimum of 100 feet for 5 or more acres for buildings; 50 feet for other structures.” Alternate Member Turcotte pointed out that Member Roman’s preference was not to have anything in the setback area. Chairman Buckley concurred that Member Roman would like to see a complete prohibition of anything in the setback area. Member Rauth agreed with the 50 foot setback. Alternate Turcotte agreed, too, depending on the size of the lot. Alternate Turcotte stated she thought the 50 foot setback from the road suggestion by Chairman Buckley was acceptable. Acting Member Cummings stated that his concern was the 50 foot setback from the side and rear property lines. He has observed pieces of property around town with tool sheds or woodsheds closer than 50 feet to the side and rear property lines. Chairman Buckley suggested a minimum setback of 50 feet for lots less than 5 acres for buildings and a lesser number for other structures, perhaps 25 feet.

Acting Member Cummings then pointed out that if the minimum setback for an accessory structure is reduced, then the Board will have to take into consideration a measurement number for special exceptions. A brief discussion followed regarding the definitions of an accessory structure and structure. Chairman Buckley stated that he will have to research the way or ways in which accessory structure is referred to in the Zoning Ordinance.

Chairman Buckley then referred back to his handout regarding the proposed list of structures not subject to setback requirements. There were no unfavorable comments from the Board.

The next item on the agenda was discussion of the Driveway Regulations and Temporary Driveway Applications. Chairman Buckley informed the Board that he had received communications recently regarding residents paving their driveways. The Board encountered this last summer, which triggered the Board to look into the Driveway Regulations more closely, especially because the regulations do not make clear whether or not paving a driveway is a modification that would require a permit.

Chairman Buckley stated that he had forgotten or did not realize that apparently there was a procedure for issuing Temporary Driveway Applications that the Planning Board must have at some point delegated to between Wendy and Emmett. He stated there were two forms that were essentially identical; one says Temporary Driveway Application and the other says Temporary Driveway Application for Logging Purposes. Chairman Buckley stated the current Driveway Regulations refer to temporary driveway applications for logging or agricultural uses. Alternate Turcotte informed the Board about a recent situation regarding a resident who had a failed septic system and whose driveway could not be used to access the tank. The contractor had to bring in his heavy equipment where there was no a driveway. Acting Member Cummings stated that the Driveway Regulations allow the Town to recoup any cost of damages to the road from the property

owner. Chairman Buckley stated he thought our present Driveway Regulations were needlessly burdensome. After a lengthy discussion, Chairman Buckley asked the Board if anyone disagreed that having a temporary driveway application for agriculture or logging or septic repair or similar projects is pointless as long as it was clear that if somebody does damage, they will have to absorb the costs. Acting Member Cummings, Alternate Turcotte and Member Rauth suggested keeping the temporary permit for large scale logging operations. Chairman Buckley stated that he would expand what he had written in draft #2 to encompass issues other than logging and agricultural purposes along with using the *Intent to Cut* form as a means of quantifying what constitutes a large scale logging operation. Acting Member Cummings stated that would clarify a lot. Member Rauth agreed.

Chairman Buckley asked the Board to go through draft #2 of the Driveway Regulations paying attention to as much detail as possible in preparation for the next Board meeting, July 18th. Chairman Buckley will start work on draft #3. At this time Acting Member Cummings briefly commented about some of his concerns regarding construction of driveways near an intersecting road, percent of slope, the number of driveways allowed per parcel of land, and driveways that connect to Class V roads. A brief discussion ensued.

Select Board Fanjoy clarified with the Board that the *Temporary Driveway Permit* is only for logging and agricultural use. Chairman Buckley stated that the current regulations are silent on anything else. Acting Member Cummings added that if a problem does arise after the work is done, then the Town can hold the landowner responsible, which is stated in the current Driveway Regulations.

At 8:39 p.m. Select Board Member Fanjoy made a motion to adjourn; seconded by Acting Member Cummings and approved unanimously.

These minutes were approved as amended at the Planning Board meeting of July 18, 2013.

Jere D. Buckley, Chairman