

**TOWN OF WEBSTER  
PLANNING BOARD  
MEETING MINUTES JULY 18, 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 members Sue Roman, Sue Rauth, and Lynmarie Lehmann; Alternates present: M.J. Turcotte and David MacAllen. All Board members were present hence there was no need for the Chairman to appoint any alternates.

The first order of business was to review the draft minutes from June 20<sup>th</sup>. Chairman Buckley made a few comments and suggestions:

- Page 1, the third paragraph, the last sentence; *“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 **written.**”*; change the word written to **corrected**.
- Page 1, the last paragraph, the sentence; *“There are now **three** proposed warrant articles; RV’s in campgrounds, use of RV’s on residential properties and dealing with storage of RV’s on residential property.”* Change sentence to read; *“There are now **separate** proposed warrant articles; RV’s in campgrounds, use of RV’s on residential properties and (~~delete-dealing with~~) storage of RV’s on residential property.”*
- Page 3, top of the page; *“Acting Member Cummings explained that on 5 acres, a 100 foot setback and 50 feet all around the building results in over 2 acres that basically cannot be used.* Change the sentence to read, *“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.**”*
- In the same paragraph on page 3, the sentence; *“Alternate Member Turcotte pointed out that Member Roman’s **point** was not to have anything in the setback area.”*; change the word **point** to **preference**.

Select Board Member Fanjoy made a motion to approve the June 20, 2013 minutes as amended; seconded by Member Rauth and unanimously approved as amended.

Member Roman, who was unable to attend the June 20, 2013 Planning Board meeting, referred back to the June 20<sup>th</sup> minutes, wanted to know procedurally, what Chairman Buckley meant by asking for a motion to *tentatively* approve the proposed RV warrant articles for *consideration* at the October Planning Board meeting. She thought the Board had voted to approve the wording. Member Roman stated that she wished the Board had approved it subject to the public hearing instead of having another review. Chairman Buckley stated he was anticipating reserving the right for a final review before the

hearing. After a brief discussion, the Board decided to vote on the wording of the RV articles. Member Roman made a motion to approve the wording of the RV warrant articles subject to public hearing; motion was seconded by Select Board Member Fanjoy and approved unanimously.

The next item on the agenda was the continued discussion of setbacks and structures. Chairman Buckley referred to a handout dated July 12, 2013 in which he revised and summarized the changes and suggestions that were brought up at the June 20, 2013 Planning Board meeting:

- *For Res/Ag District, halving the setback requirements for structures other than buildings.*
- *Making the Ordinance consistent with Pillsbury Lake covenants.*
- *Stating the setback requirements clearly in tabular rather than textual form.*
- *Amending Article V, Special Exceptions, to allow consideration of special cases.*

The Chairman asked the Board for their opinions regarding the halving of the setbacks for other than buildings. Member Roman inquired about what other towns do. Chairman Buckley stated that he was aware of other Towns having different setbacks for different classifications of structures. A discussion ensued with regards to the current definition of 'building' and its relationship to 'structure'. It was pointed out that the word 'structure' appears approximately 69 times in the Zoning Ordinance. Member Roman stated she wanted to be sure all those places accommodate the definition of structure as it stands. Chairman Buckley reminded the Board they tried to change the definition of 'building' at the 2013 Town Meeting which was not successful. Member Roman stated the current definition of 'building' was very broad. The residents have been living with excluding most things within 50 feet. She stated that the halving of the setback for other structures to 25 feet would be less restrictive.

Chairman Buckley read the definition of 'building' that was proposed at 2013 Town Meeting; ***Building.*** *Any structure having a roof and intended for the shelter, housing, or enclosure of persons, animals, equipment, or property of any kind.* Chairman Buckley stated he still felt this definition was better than the current one. The defining characteristic is the word 'roof' rather than 'walls'. Member Lehmann suggested bringing the proposed definition of 'building' before the 2014 Town Meeting again. Chairman Buckley agreed. Member Roman suggested revising the definition to include 'walls and/or roof'. Alternate MacAllen stated if someone is going to store things, they are not just going to put up walls without a roof. A brief discussion ensued. Member Roman stated that she would like to re-consult a town that has a structure definition like the one the Board is considering and see what their definitions of 'building' may be. A discussion about other Towns' definitions of 'building', 'setback' and 'structure' ensued. Member Roman stated that her support of the proposed 25 foot setback objective was to be sure that there will be a buffer zone for each neighbor where people cannot congregate nor have a barking dog or park trailers, etc. The Board continued discussing which

structures would not be subject to setback requirements. The Board agreed that Special Exceptions could be granted for buildings but not for structures; a variance would have to be applied for in that case. Chairman Buckley had a list of exempt structures in his handout. Members Roman and Rauth wrote a different version, similar in some respects, but not quite as detailed as Chairman Buckley's list. At the request of Chairman Buckley, Members Roman and Rauth went over their list with the Board. A brief discussion ensued.

Alternate Turcotte then pointed out to the Board that in Chairman Buckley's handout one of the setback requirements listed for the Pillsbury Lake District was already included in one of the definitions and did not need to be listed again.

- Member Lehmann made a motion to adopt the definition of 'structure' as proposed in Chairman Buckley's first page of his July 12, 2013 draft; seconded by Member Rauth and approved unanimously.
- Member Lehmann made a motion to adopt the language of 'setback', defining it as indicated on the July 12, 2013 sheet with the language of Tables IV-1 and IV-2 as amended in Table IV-2 striking "*Set back from rear lot line*"; seconded by Select Board Member Fanjoy and approved unanimously.
- Member Lehmann made a motion to adopt Members Roman's and Rauth's exemption from setback for structures as amended tonight; seconded by Select Board Member Fanjoy and approved unanimously.
- Member Lehmann made a motion that acceptance of all the foregoing are conditioned upon a definition of 'building' as the Board had discussed, using the Warner and Hopkinton model and conditioned upon the review of the final actual wording thereof; seconded by Member Roman and approved unanimously.

Chairman Buckley then referred the Board to his July 16, 2013 handout regarding his research about the ways in which 'accessory structure' is referred to in the Zoning Ordinance. He stated that he found four places it was used. His opinion was if the Board defines 'structure' as proposed, then defining 'accessory structure' separately would be pointless. He suggested the Board delete that definition. Member Lehmann made a motion to delete the definition of an accessory structure as superfluous; seconded by Select Board Member Fanjoy. Before taking a vote, Member Roman needed to understand the consequences of deleting the definition. The Board then reviewed the places in the ordinance that 'accessory structure' was used. A vote was not taken.

After a brief discussion, Member Lehmann stated she was struggling with the piecemeal approach in which the Board was reviewing the Zoning Ordinance. She suggested forming a subcommittee to review the entire ordinance. Select Board Member Fanjoy mentioned having the Zoning Board do a review. In response, Chairman Buckley stated

it would be a good idea to involve the ZBA in the process, but ultimately the ordinance is the Planning Board's responsibility. Member Rauth reminded the Board about working on the Subdivision Regulations this year. Member Roman suggested the Board begin working on the Subdivision Regulations and then also appoint a committee to try the best they can to take the Zoning Ordinance changes the Board had started and bring forth recommendations. Chairman Buckley stated he would also like to finish the Driveway Regulations first and then go on to the Subdivision Regulations. Member Roman stated that the Board can vote in the Driveway Regulations at any time, but there must be public hearings to amend the Subdivision Regulations; she proposed the Board do the Subdivision Regulations first. After a brief discussion, Member Rauth suggested a committee start work on Chairman Buckley's proposed amendments to the Subdivision Regulations. At this time, Chairman Buckley also pointed out that work is due on the Capital Improvement Program and the Master Plan. Member Rauth suggested asking the ZBA to identify areas they would like to change in the Zoning Ordinance. Member Roman stated the Planning Board could write a letter to Marty Bender, Chairman of the ZBA, asking for ideas and recommendations and also perhaps inviting a couple of ZBA members to be part of the Planning Board's subcommittees.

Member Lehmann suggested the Board finish the definitions for 'structure', 'setback' and 'building' for the August 15, 2013 meeting. Chairman Buckley proposed that the Board have those changes in warrant article format ready for the August 15<sup>th</sup> meeting in order to vote on them subject to public hearing. Member Roman stated there will also need to be an in depth review by somebody of the term 'structure' and where it is used throughout the ordinance before the Board makes a final vote. Member Roman then volunteered to be part of a subcommittee to look at that during the next month; Member Lehmann and Alternate Turcotte volunteered to work with Member Roman. Chairman Buckley, Member Rauth and Alternate MacAllen formed a subcommittee to go over the Subdivision Regulations. A brief discussion ensued.

At 8:51 pm the meeting was adjourned.

These minutes were approved as written at the Planning Board meeting of August 15, 2013.

---

Jere D. Buckley, Chairman

*Approved as Written*