

**TOWN OF WEBSTER
PLANNING BOARD
MEETING MINUTES AUGUST 15, 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, Members Sue Roman and Sue Rauth and Alternate Member Rick Cummings. Alternate Member Turcotte arrived a few minutes late. Chairman Buckley appointed Alternate Turcotte as a voting member due to Alternate Member Rick Cummings leaving early and the absence of Member Lynmarie Lehmann. Also in attendance were residents John and Rebecca Little of 127 Deer Meadow Road.

The first order of business was to review the draft minutes from the July 18th meeting. Select Board Member Fanjoy made a motion to accept the minutes as written; seconded by Member Roman and approved unanimously.

The next order of business was for resident John Little to discuss his recent purchase of the gravel pit, formerly owned by Alternate Member Cummings; tax map 9 lot 23-4 on Deer Meadow Road. Chairman Buckley prefaced the discussion by informing Mr. & Mrs. Little that the Planning Board had not dealt with gravel pit issues for a very long time and therefore, depending on what Mr. Little wanted to discuss, the Planning Board may need to refresh themselves on the relevant regulations. In addition, Chairman Buckley stated that unless he heard otherwise, the discussion would be considered as conceptual, which would be nonbinding for either party.

At this time, Chairman Buckley invited Mr. Little to address the Board. Mr. Little stated that he just wanted to let the Board know his intentions. He stated he would not be doing any commercial business, i.e., no selling of sand or gravel. Mr. Little stated he wants to close the pit in and leave a small corner open for his own personal use. Mr. Little stated that he wants to reclaim the area and put it into current use except for that small corner if that was acceptable; if it was not acceptable, Mr. Little stated he would close the whole pit down. Alternate Cummings explained that according to state law he was pretty sure that Mr. Little could do that as long as it was for his own agricultural use. Alternate Cummings stated that the property owner would have to reclaim that portion when he was finished. Member Roman asked Mr. Little how would he reclaim the land; would he level it and/or move the earth. Mr. Little stated that he would make it flat and plant grass. He hopes to have a farmer take it over and grow hay for him. Mr. Little stated that he wasn't sure what the Planning Board needed regarding his plans. Alternate Cummings stated that as far as he knew, Mr. Little would need to file some paperwork stating to the effect that the gravel pit will be closed and there will no longer be a commercial business in operation. Member Rauth asked about the filing of the paperwork. Alternate Cummings stated that the paperwork for the State has been completed. Mr. Little just needs to send a letter of intent to the Planning Board. After a brief discussion, Member

Roman suggested the Board look at the statute and if they think there is something that the Board needs to do they will let Mr. Little know before the next meeting. The Board thanked Mr. Little for keeping them apprised of the situation. Chairman Buckley thanked Alternate Member Cummings for his expertise. At this time, Alternate Member Cummings excused himself from the meeting as he had an early rise the next day.

The next order of business was to discuss the results of Member Roman's subcommittee's in depth review of the term 'structure' as it appears throughout the Zoning Ordinance. At this time it was clarified that the subcommittee was not Member Roman's but was Member Lehmann's. Member Roman had volunteered to be a part of the subcommittee. Member Roman preferred to refer to subcommittees by the subject matter not by Planning Board personnel and that the subcommittees elect their own chairs and secretaries. There was some confusion after last month's meeting regarding the formations of subcommittees and their subject matter.

After a brief discussion Chairman Buckley stated that in response to the confusion he attempted to come up with a cohesive review. First, Chairman Buckley drafted four different warrant articles dealing with 'structure' definition, 'accessory structure' deletion, 'setback' definition and 'setback' requirements. Second, Members Roman and Rauth worked together to review the overall structure/building/setback topic. Members Rauth and Roman recommended that all related warrant articles to building and setback should be combined into one article. That recommendation was printed and handed out to the Board. Based on the recommendation to combine the warrant articles, Chairman Buckley developed "*Proposed 2014 Warrant Article – Version 1*" which included a definition of 'building'. This proposal was also handed out to the Board. Chairman Buckley stated Members Rauth and Roman developed a 'version 2' which was based on 'version 1'. Member Roman clarified that 'version 2' arose out of a conversation that she had with Chairman Buckley, not what Members Roman or Rauth had talked about. Member Roman stated that the difficulty was trying to figure the best definition for 'building' and distinguishing 'structure' from 'building' with concrete examples. She felt the two-tiered system was too unwieldy. Therefore in 'version 2' she proposed doing setbacks based on structures and that there be a 40 foot setback instead of 50 feet and there would not be any tables. The **40 foot** setback would be for all boundaries other than the highway boundaries. Member Roman stated the idea would be to use the term 'structure' so no one would have to worry about whether it was a building or a structure. The proposed ordinance would give back 10 feet on each side and broaden the definition from 'building' to 'structure. Acting Member Turcotte informed the Board that the current Zoning Ordinance states that the rear lot line setback for PLD is 20 feet, which according to the PLD's covenants and easements, is not addressed. She clarified that the setbacks in the PLD are 12 feet from any boundary line except those that are bounded by streets, which require the 20 foot setback. At this time Mrs. Larson, passed out copies of the Pillsbury Lake Subdivision Property Restrictions and Easements to the Board. After a brief discussion, the Board revised **4. B.** (residential/agricultural district) and **5. B.** (Pillsbury Lake District) of 'version 2' to read, respectively:

- 4. B. *The setbacks from lot boundary lines not abutting a road shall be a minimum of forty (40) feet.*
- 5. B. *The setbacks from lot boundary lines not abutting a road shall be a minimum of twelve (12) feet.*

Acting Member Turcotte informed the Board of her review of the use of the terms 'building' and 'structure' throughout the Zoning Ordinance. She stated that in Article II Definitions, the word building includes structure. She said those terms were used interchangeably. Member Roman agreed that an in depth review was definitely warranted but the Board could choose between 'version 1' or 'version 2' at this meeting and then during the next month convene a subcommittee to work on the Zoning Ordinance as Acting Member Turcotte had started to do.

At this time Member Roman had the Board compare number 6. of both versions regarding structures exempt from setbacks. She stated that 'version 1' was Member Rauth's and her attempt to follow the minutes of the July 18th Planning Board meeting. Member Roman had spoken with Chairman Buckley about 'version 1' of which he had a few good suggestions. The first suggestion from Chairman Buckley was to change number six's introductory sentence from "...6. *The following structures are not subject to setback requirements:*" to "...6. *The following structures are not subject to the foregoing setback requirements:*" Member Roman stated that structures could ultimately be subject to setback requirements under other laws such as Shoreland Protection. The second suggested revision was to change the first section under number 6. of 'version 1' from, "...Any structures that are expressly governed..." to "...Any structures **the locations of which** are expressly governed..." The third suggested revision was to modify the description of satellite dishes by adding, "... 3 feet or less in diameter..." After a brief discussion about the diameter of satellite dishes, the Board revised the number to 4 feet or less.

Member Roman made a motion to adopt 'version 2' of the proposed warrant article with the changes made at this meeting and subject to the required public hearing; seconded by Select Board Member Fanjoy and with no further discussion the motion was approved unanimously.

At this time Member Rauth stated that the subcommittee of herself, Alternate Turcotte, Member Roman and perhaps Member Lehmann would continue the review of the use of the terms 'building' and 'structure' in the Zoning Ordinance that Alternate Turcotte had already started. After a brief discussion, the Board decided that subcommittee meetings would take place at the Town Hall instead of someone's home because the public would probably be more comfortable attending the meetings in a public place. And, any subcommittee meeting with a quorum of membership must be noticed a minimum of 24 hours in advance under the Right to Know Law, RSA 91-A. Any advisory committee meeting regardless of the number of committee members must be noticed too.

Member Rauth asked Chairman Buckley if the Zoning Board Chairman, Marty Bender responded to the Planning Board's request for input. Chairman Buckley stated he had written a letter to Chairman Bender and had not received a response. Chairman Buckley will try to contact Chairman Bender again.

The next order of business was to discuss the results of Chairman Buckley's subcommittee's review of the Subdivision Regulations. Chairman Buckley was not able to work on this due to personal obligations and other matters of business other than Planning Board. The Board totally understood the Chairman's situation. Moving forward, Member Roman asked who were the subcommittee members for this assignment and the plans for future meetings. Member Rauth stated she was on the committee along with Chairman Buckley, Member Roman and Alternate MacAllen. ***Chairman Buckley agreed to call a meeting of the Subdivision Regulations' subcommittee and to have an informal discussion with Roy Fanjoy on Driveway Regulations.***

At 8:09 PM Member Lynmarie Lehmann arrived. The Board had a brief discussion regarding the Right to Know Law.

At this time Chairman Buckley informed the Board that Alternate Tom Clark had resigned due to personal reasons. The Planning Board now has two alternate vacancies.

At 8:22 PM the meeting was adjourned.

These minutes were unanimously approved with modifications at the September 19, 2013 Planning Board meeting.

Jere D. Buckley, Chairman