

**TOWN OF WEBSTER
PLANNING BOARD
MEETING MINUTES DECEMBER 19, 2013**

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

Present were Chairman Jere Buckley, Vice Chair Member Sue Roman, Select Board Member Roy Fanjoy (arrived @ 7:40 pm), Member Sue Rauth and Alternates Richard Cummings and David MacAllen. Chairman Buckley appointed Alternate Member Cummings as a voting member due to the absence of Member Lynmarie Lehmann. Alternate Cummings declined in favor of the Chairman appointing Alternate MacAllen as a voting member instead.

The next item on the agenda was review of the draft minutes from the November 21, 2013 meeting/public hearing. Member Roman made a motion to accept the minutes as written; seconded by Acting Member MacAllen and approved unanimously.

The next order of business was to review input from Mr. DiPrima, Cozy Pond Camping Resort owner regarding Proposed Warrant Article #1 *Recreational Vehicles in Campgrounds*. Chairman Buckley stated the current proposed warrant article prohibits out of season use of RV's in commercial campgrounds and requires end of season removal of appurtenant structures such as screen rooms and decks. Chairman Buckley felt the proposed warrant article was clear and a more logically organized amendment that preserved the existing intent already in the Zoning Ordinance. At the public hearing on November 21, 2013 some of the citizens were concerned that requiring end of season deck removal would have significant financial impact on the campground operator presumably by making the campground less attractive to potential clients or customers. At that public hearing the Board approved the proposed warrant article as written contingent upon input from Mr. DiPrima. The Board reserved the right to reconsider their approval decision based on Mr. DiPrima's input. Chairman Buckley wrote a letter dated November 22, 2013 to Mr. DiPrima. (A copy is attached to these minutes along with a copy of Mr. DiPrima's e-mail response.)

Chairman Buckley invited Mr. DiPrima, who was in attendance, to speak. Mr. DiPrima did not understand why the Board had issues with decks and screen rooms. Chairman Buckley responded the Board was concerned that if no restrictions were imposed on structures that were added on to, or attached to, or put up in conjunction with an RV that is parked on a permanent basis on a campground site, then it would start to look more like a fixed dwelling. Mr. DiPrima referred the Board to RSA 216-I:1;VII.:

"Recreational campground or camping park" means a parcel of land on which 2 or more campsites are occupied or are intended for temporary occupancy for recreational dwelling purposes only, and not for permanent year-round residency,..."

During a brief discussion, Mr. DiPrima pointed out his contract with the campers is very specific about the operating season which is May through October and decks and screen rooms on the RV's in his campground cannot be permanently attached. He requires them to be modular. He did feel that making the campers remove the decks and screen rooms would impact the camper

and himself. He stated that the campers put a lot of work into setting up their sites. He stated that he knows of a couple of campers who would definitely leave his campground if they were made to take down their decks and screen rooms at the end of the season. Mr. DiPrima added that he has no intention of making the campground year round. He wants to have time for himself and his family to travel, etc. In addition, the ZBA Special Exception approval for the campground stipulates the operating season and the hours. It also came to light during the discussion that a number of campers have not removed their decks and/or screen rooms at the end of the season which Member Roman pointed out that the *Zoning Ordinance* had not been followed.

At this time, Chairman Buckley recognized Mr. James Higgins of Battle Street an abutter to the Cozy Pond Camping Resort. Mr. Higgins pointed out that if a camper continues to return year after year, what would be the point of removing the screen room or a deck. It would be a lot of work for the owner to remove them and then have to put them back up in the spring. Ms. Gaye Farnsworth, Webster resident then asked the Board about taxation of the structures. Member Roman stated that would be up to the assessors, it was not under the jurisdiction of the Planning Board. Mr. DiPrima then gave the Board a copy of the Cozy Pond Camping Resort contract. A brief discussion followed. Chairman Buckley read the suggested amendment of paragraph 5. B. of the Proposed Warrant Article #1:

“Screen rooms or decks may be added to recreational vehicles in an approved campground but must be temporary in nature, to the extent that they must rest on the ground and not be on piers extending below grade or on an in-ground foundation of any kind.”

Member Roman made a motion to make that change with the understanding that it was a substantive change from what the Board approved at the November 21, 2013 public hearing, therefore requiring a second public hearing which will be scheduled at the regularly scheduled Planning Board meeting on January 16, 2014; seconded by Select Board Member Fanjoy and approved unanimously.

The next item on the agenda was the review of Proposed Warrant Article #5. This was prompted by the recently encountered lot-line-in-the-middle-of-the-road issue encountered during a conceptual discussion with Trisha and Dee Blake. At this time Chairman Buckley read the second paragraph of his editorial comments from the Proposed Warrant Article #5 handout: “For consistency, we also need to modify proposed Warrant Article 4 to substitute ‘lot line’ for ‘lot boundary line’ and ‘street’ for ‘road’. I regard these substitutions as non-substantive, i.e., not requiring a second public hearing.” Member Roman pointed out that sometimes riparian rights extend to the middle of the river which may not be in the deed. Chairman Buckley stated that for the purpose of this Ordinance it does not matter what the deed says. The Ordinance is making the lot line to be the *edge* of the street right-of-way or of the shoreline of the water body. The Board agreed on a few grammatical and punctuation corrections. Discussion took place regarding Proposed Warrant Article #4 changes which were just a matter of formatting. Member Roman made a motion to accept Proposed Warrant Article #5 with the changes the Board had spoken of, for submission to a public hearing in January; seconded by Select Board Member Fanjoy and approved unanimously.

The next item on the agenda was review of proposed *Driveway Regulations*. Chairman Buckley stated he felt the only way to go through the process was to read the document sentence by

sentence. He also added that he and Select Board Member Fanjoy had done a productive and detailed review of these regulations in preparation for draft #4. When Chairman Buckley had gotten to “*Section III-Requirements; A. 1. Paving of a previously unpaved driveway or removal and replacement of existing pavement is a modification requiring a permit.*”, Alternate Member MacAllen discussed his own personal situation which included having to get permits from the State because of residing on Battle Street/Route 127 and having to get a driveway permit from the Town when reconstruction of the house began and again when he changed the location of the driveway and had it paved. Select Board Member Fanjoy suggested putting a check box for “future paving” on the permit. A discussion followed which included referencing RSA 236:13-V. regarding Planning Boards land use powers with regards to highways under their jurisdiction. To clarify, Chairman Buckley stated he did not believe that the Town can or should or has any interest in superimposing Town requirements on top of State requirements for the intersection of the driveway with a State road. One would still need the Town permit for the interior of the driveway beyond the intersection. Suggestions were made to have a check box for future paving requiring plans/drawings and a time limit.

Chairman Buckley read the new heading and subparagraphs for *Creation of temporary access ways*. A brief discussion followed covering several different scenarios. Chairman Buckley continued with *Section B.; 1-3: The driveway permitting process*. He pointed out that currently the permit application consists of one document. The Board had agreed previously the process would include three separate documents: 1) Driveway Permit Application, 2) Driveway Construction Permit and 3) Final Driveway Approval. When the Board resumes its review of the *Driveway Regulations*, they will begin on page 6 *Section C. It is the responsibility of the property owner to obtain all other necessary permits.*

After a brief discussion, Member Roman made a motion to adjourn; seconded by Member Rauth and approved unanimously. The meeting was adjourned at 9:23 pm.

These minutes were approved as amended at the Planning Board meeting of January 16, 2014.

Jere D. Buckley, Chairman of the Planning Board

Posted: January 17, 2014

**ADDENDUM #1 TO
PLANNING BOARD MEETING MINUTES
DECEMBER 19, 2013**

Webster Planning Board
945 Battle Street
Webster, NH 03303

22 November 2013

Mr. Joe DiPrima
49 Cox Lane
Methuen, MA 01844

Dear Mr. DiPrima:

The Webster Planning Board, as part of our regular 21 November meeting, held a public hearing on four warrant articles proposed by the Board for inclusion on the 2014 Warrant List. The subject of the first of those articles is the regulation of Recreational Vehicles (RVs) in licensed campgrounds.

For your information, I attach a page describing the Board's intent in proposing the change, and a second page showing the actual proposed warrant article.

During the public hearing, it was noted that Paragraph 5-B of the proposed change would mandate end-of-season removal of decks associated with RVs, whereas the current ordinance (see Article III, Section 2) requires such removal only for screen rooms. This change is consistent with the idea that, if all associated structures are temporary in nature, they are less likely to make the RV look more and more like a potentially full-time dwelling.

However, some residents were concerned that a requirement for end-of-season deck removal would result in an unreasonable financial burden on the campground owner, presumably by making the facility less attractive to potential users.

There were no citizen objections to any other aspect of the proposed warrant article.

After considering citizen inputs, and upon subsequent deliberation, the Board voted unanimously to accept the proposed article *contingent upon my seeking your input regarding the above-mentioned concern, and reserving the right to reconsider the approval vote after reviewing your response.*

If possible, please respond to this letter no later than 12 December, which is one week prior to the next Board meeting.

I should note that there were appreciative comments from both sides of the table about the extent to which you and your operation have been 'good citizens' of Webster. Thank you!

Sincerely,

Jere D. Buckley, Planning Board Chairman

**ADDENDUM #2 TO
PLANNING BOARD MEETING MINUTES
DECEMBER 19, 2013**

First of all, I would like to thank the board for allowing me input on this matter.

I would like to begin by saying, YES, it definitely would be a financial burden on the campground if the town required all seasonal campers to remove all decks and screen rooms at the end of the camping season. Many of our seasonal campers go to great lengths to beautify their sites by not only adding decks and screen rooms to their sites, but by also planting flowers and shrubs. This is their vacation home, their home away from home. Of course, they want their sites to look nice. If I had to tell them that at the end of the season, the town wants them to take down their decks and screen rooms...I'm sure that some would leave, drastically reducing our bottom line.

If I may, I believe the problem that some may have is not with the decks and screen rooms, but their belief that people could live in their campers year round, making this a mobile home park.

I can tell you that this is as far from the truth as could be. I have no intention of having the campground open 12 months out of the year. For one, my whole intention of starting the campground was to have the off season (November to April) off, and for another the water lines in the campground are not buried deep enough to prevent them from freezing. So water is not available during the cold season.

Let's face it, even if you change the wording of the current article to include the removal of decks and screen rooms, the wording still would not prevent people from occupying their campers in the off season.

With that being said, let's concentrate on the real issue. I would have no problem with adding a warrant article which states...campground can only be occupied from May to October.

I believe this will solve the problem that may be bothering some on the board as well as residents of the town.

I will make myself available to attend the next Planning Board meeting, so we may discuss these issues further.

Joe DiPrima
Cozy Pond Camping Resort, LLC
541 Battle Street
Webster, NH 03303
603-428-7701
www.cozypond.com