

**TOWN OF WEBSTER
PLANNING BOARD
MEETING MINUTES JULY 17, 2014**

At 7:00 p.m. Chairperson Sue Rauth convened the regularly scheduled meeting of the Webster Planning Board.

Present were Chairperson Sue Rauth, Vice Chair Sue Roman, Members Jere Buckley and Selectman Roy Fanjoy and Alternate M.J. Turcotte. Chairperson Rauth designated Alternate Turcotte to serve as a voting member due to the absence of Member Lynmarie Lehmann.

The next order of business was the review of the June 19, 2014 minutes. Member Roman did not agree with the description of Mr. Phillips' access as a 'driveway'. She stated the plan that was referred to was a subdivision plat that had been approved by the Planning Board and the access would have been either a private road or a street. She stated she did not believe the Planning Board had the authority to approve driveways at that time. (Driveway Regulations were not adopted until March 7, 2006.) Prior to the addition of the description in ***bold italics***, Member Buckley made a motion to substitute his suggested wording in *regular italics* below.

- 6th paragraph, replace portion of the 3rd line following the phrase "on 10/22/199 and which" and the ensuing 7 lines, ending with "connects to Lot 4-5"
*"...shows **what Mr. Phillips described as the existing driveway** serving lot 5-62A and a possible future extension thereof to serve lots 5-62 and 4-5. Mr. Phillips, an owner of lot 5-62 and representing the owners of the other two lots, summarized the history leading up to the 1999 plan. He described a proposed relocation of **what Mr. Phillips described as the existing driveway**, along a path slightly different from that shown on the 1999 plan, starting about 900 feet from Call Road and accessing the house on lot 5-62A from the westerly side rather than along the lake shore, but retaining the possible future access to lots 5-62 and 4-5."*

Before a second was made a brief discussion ensued. Member Roman reiterated that the Board of 1999 saw a plat with a 'way' on it; back then the Planning Board just approved a plat. Member Buckley then amended his wording to include the above in ***bold italics***. The motion was still on the table; seconded by Member Roman as amended and approved unanimously. Next, Member Buckley pointed out on page 2, the second paragraph, five lines down an "a" was missing in the sentence "...Mr. Heath informed the Board that he was realtor." The amended sentence should read "...Mr. Heath informed the Board the he was ***a*** realtor." Next, Member Roman suggested a change on page 1, paragraph 6, 8 lines from the bottom from "...Member Roman questioned the Board regarding their opinion on the build-ability..." to "***...Member Roman questioned whether the Board need offer an opinion on the build-ability...***". Next, Chairperson Rauth stated that on page 3, the last sentence "...July 8, 2014 ..." be changed to "***...July 17, 2014...***". Lastly, Member Roman pointed out on page 2, seven lines down from the top "...the driveway was approved..." should be changed to "...the ***plan*** was approved...". Member Buckley made a motion to approve the June 19, 2014 minutes as amended; seconded by Selectman Fanjoy and approved unanimously.

The next order of business was follow up discussion regarding COPART's site plan review. Chairperson Rauth and Selectman Fanjoy updated the Board. Selectman Fanjoy delivered a letter and a temporary junkyard license to the Manager of the Deer Meadow Road facility. He stated

that he pointed out to the manager that submission of the Site Plan Review Application was due to the Select Board by August 8, 2014 otherwise the Select Board would not issue the annual junkyard license. Selectman Fanjoy asked the manager to submit photos of the site along with the application in order to have a record in the event of a natural disaster. Chairperson Rauth added Member Lehmann was on the agenda for the July 21, 2014 Select Board meeting to ask permission for the Planning Board to contact Town Counsel in advance of the Site Plan review to talk about the Planning Board's extent of their review and consideration of the circumstances that COPART has been operating already for several years. After a brief discussion, Chairperson Rauth added another concern for discussion with Town Counsel was COPART's compliance with DES regarding environmental concerns. Member Roman referred to RSA 236:115 regarding the junkyard license application requiring the applicant's compliance with DES's Best Management Practices. The Town's Junkyard License application did include a self-certified document which COPART checked off as being compliant with DES BMP's. After a brief discussion, the Board asked Mrs. Larson to contact DES regarding documents they may have on file from COPART and if there is a check list that is part of the self-certifying document.

The next order of business was follow up discussion regarding Central NH Regional Planning Committee's (CNHRPC) model regulations for driveways and private roads. Chairperson Rauth did contact Matt Monahan of CNHRPC, however, he was not able to respond to her before this meeting. She stated she did not have a chance before this meeting to look at the regulations he did send for Allenstown and Henniker, which she also sent to the Board members in an e-mail. Mrs. Larson will re-send those documents to the Board. Moving on, Chairman Rauth stated the next order of business related to the Board looking at the Subdivision Regulations and comparing them with the models Mr. Monahan had given the Board from the other towns. She informed the Board that Mr. Monahan had started the review of the regulations, he asked the Board to generate a list of concerns and specific issues such as major and minor subdivisions. Chairperson Rauth stated Mr. Monahan was interested in the process and would like to see the Board's other forms and documents. She stated Mr. Monahan was going to try to attend the next Planning Board meeting on August 21, 2014. A brief discussion followed touching on major and minor subdivisions, ability to do a conservation subdivision and innovative land use control. Acting Member Turcotte asked if there was some type of chart that would cover the different subjects they had been discussing. Member Roman suggested a quick way was to compare the Subdivision Regulations table of contents with the other towns'. Member Roman stated the Board's assignment for the August 21, 2014 meeting is to be prepared to know what the problems are in order to discuss them with Mr. Monahan.

At this time Acting Member Turcotte wished to discuss the definition of an RV as a building which had been discussed at the June 19, 2014 meeting. (Acting Member Turcotte was not in attendance at that meeting.) She did not agree that an RV satisfied the Town's Zoning Ordinance definition of a building. After a brief discussion, consensus of the Board was to table any further discussion regarding the definitions until Member Lehmann could be in attendance.

The next order of business was review and discussion of draft #5 of the Driveway Regulations. Member Buckley stated draft #5 was done because of the recent realization that the Planning Board does not have authority to control the internal design features of driveways only at the road intersection or things that affect the safety of the traveling public. After a brief discussion, Member Buckley stated one of the major changes was Webster Driveway Permits will no longer be required for driveways intersecting with a State road. A brief discussion followed regarding

RSA 236:13;VI as to whether or not the Town would have jurisdiction over a town driveway intersecting with a State road that becomes a potential threat to the safety of the public or the integrity of the highway. Member Roman suggested speaking with Town Counsel on this matter and if any changes had to be made the Board could amend the draft. Chairperson Rauth suggested the Board take a look at the State's DOT website regarding driveway regulations as was originally suggested by NHMA Attorneys Sanderson and Buckley. She stated the site has "Ruling for Driveway Permits" in very clear and simple language. The site also has driveway information for simple residential lots. Chairperson Rauth felt the website offered very helpful information. During the discussion, questions arose regarding the Planning Board's power to waive requirements, their authority to regulate repairs to driveways that intersect State roads and extent of authority to regulate the interior construction of driveways. Member Buckley will take another look at RSA 236:13 to see if it substantiates any type of authority for the Planning Board to grant waivers. Referring to page 7 section VI-A. *Planning Board Options* of draft # 5 regarding shared driveways, Chairperson Rauth stated when they met with Attorneys Sanderson and Buckley on June 7, 2014, they talked about the issue of a covenant; there should be joint obligation of the property owners to maintain shared driveways. A brief discussion followed. Member Roman will work on more detailed wording regarding shared driveway property owners' liability to the Town. She also will draft more specific language for section VII-*Property Owner Responsibilities*. Member Buckley brought up the role of the Webster Fire Chief regarding the driveway permitting process. Member Buckley will contact the Chief. After a brief discussion the Board agreed to a single-document version of the driveway application/permit/approval. In addition, Chairperson Rauth suggested having Road Agent Emmett Bean review the form. After a brief discussion, Member Roman stated that the requirements listed on the *Driveway Permit Application* should all be a matter of the driveway regulations and not as part of the application. She stated she wanted to look at what other towns do.

8:56 pm Acting Member Turcotte made a motion to adjourn; seconded by Member Roman and approved unanimously.

These minutes were approved as written at the September 18, 2014 Planning Board meeting.

Sue Rauth, Planning Board Chairperson