

**TOWN OF WEBSTER  
PLANNING BOARD CONTINUED PUBLIC HEARING AND  
MEETING MINUTES SEPTEMBER 18, 2014**

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

Present were Chairperson Sue Rauth, Members Jere Buckley, Lynmarie Lehmann and Alternate Selectman Bruce Johnson. Also in attendance was Mr. John Kostro, General Manager and agent for the COPART facility on 111 Deer Meadow Road, Webster, NH. There were no other members of the public in attendance.

The next order of business was the review of the minutes from July 17, 2014, August 21, 2014, September 3, 2014 and September 15, 2014. By consensus the Board deferred review of the minutes in order to conduct the public hearing for Case No. 14-02 Site Plan Review Application for COPART, 111 Deer Meadow Road, Webster, NH.

**7:01 p.m.** Chairperson Rauth formally opened the continuation of the August 21, 2014 public hearing. She then turned the floor over to Mr. John Kostro. He stated he had found the test well inside the garage. The Board asked about the status of the environmental testing results prior to COPART's purchase of the property. He stated Lisa Doherty, Regional Manager, was still looking for them. Chairperson Rauth brought to the Board's attention that the DES website has information about water quality testing by town. She stated there had been a Phase 1 environmental study done prior to the sale of the property to COPART; those results had turned up the presence of some sort of contaminate had been detected but after DES retesting there was no indication from the data that there were any contaminants remaining. DES did issue a letter to the prior owner of the site, Brenda Lemay and the Town of Webster Health Officer in December 2011 that no further action was required. A brief discussion ensued.

Chairperson Rauth continued with a brief update of the site visit to COPART on September 15, 2014 at 1:00 pm. She, Member Buckley and Selectman Fanjoy met with John Kostro and Lisa Doherty for the visit. She stated they referred to the DES Motor Vehicle Salvage Yard Environmental Compliance Manual and Self-Audit Checklist just to use as a guideline even though COPART is not a salvage yard. A brief discussion ensued. Mr. Kostro did explain how the FM 186-2 program cleans up spills by turning into a biodegradable product that does not affect the environment.

Member Lehmann asked Mr. Kostro if there ever had been any spills of gasoline in excess of 25 gallons. Mr. Kostro stated that it was very rare that any vehicles come into the yard with such an amount; most vehicles lose most of their fluids before being brought to COPART.

Member Buckley stated that the three members were surprised at how little indication they saw of leaking fluids. He stated they saw an occasional spot; they learned and saw how they treat the spill. Member Buckley stated that basically he felt they (the Board members) were impressed.

Member Lehmann asked about storm water management. Member Buckley stated the majority of the yard area was covered in baseball size 'crushed' stones; the whole site was very flat. He

stated the Board asked John and Lisa if there had been any signs of puddling or runoff and their answer was 'no'.

Chairperson Rauth stated that Selectman Fanjoy was monitoring truck traffic on his own. A brief discussion ensued which included topics of the average number of trucks per day; the additional burden of traffic on town roads and especially over the Clothespin Bridge Road bridge. Mr. Kostro does his best to control the truck drivers.

Member Lehmann stated one of her concerns was the truck traffic and that there may be Planning Board discussion in the future with COPART about how COPART could help the Town. Mr. Kostro stated he would bring that to his supervisors. The other issue Member Lehmann questioned was about doing a traffic study regarding building a turn lane or widening the road in front of COPART. A brief discussion ensued; the Select Board has discussed doing a traffic study for the Town in total.

Chairperson Rauth stated another concern of the Board was that the property is located in the Town's Groundwater Protection District; there is an aquifer under the site. She stated the Board might wish to have COPART test the water periodically. She added that Selectman Fanjoy had suggested tying that condition into the July 2015 license review. A brief discussion ensued regarding the pros and cons.

Chairperson Rauth stated there were three options for the Board: 1) approve the Site Plan as presented; 2) approve with conditions or 3) continue the public hearing. Member Lehmann responded. She stated she felt there were two outstanding issues: 1) groundwater monitoring and 2) the traffic study. Member Lehmann stated she felt the Board needed additional information from an expert on groundwater monitoring to help the Board understand it a little bit more. A brief discussion ensued regarding the increased traffic impact on the roads in addition to safety concerns.

Member Lehmann asked Mr. Kostro about COPART's position on helping with some mitigation on the roads. Mr. Kostro stated he did not know, but he would find out. A brief discussion ensued. Member Lehmann added she would like to know to what degree COPART is willing to work with the Town given the issues about the road that were expressed tonight. Mr. Kostro stated he would find out.

Member Lehmann made a motion to continue the public hearing until October 16, 2014 at 7:00 pm at the Webster Town Hall. She stated at that point the Board would have language and the definitive conditions the Board is looking for; seconded by Member Buckley and approved. Chairperson Rauth stated she felt there should be some type of meeting between the Planning Board and the Select Board before the Planning Board meeting of October 16, 2014. Alternate Selectman Member Johnson stated the Select Board had work sessions on October 6<sup>th</sup> and October 20<sup>th</sup> at 4:00 pm. The Planning Board would like to discuss traffic studies with the Select Board.

**8:35 pm** Chairperson Rauth recessed the public hearing. There were no members of the public in attendance. The Board thanked Mr. Kostro for coming.

Alternate Selectman Johnson asked Chairperson Rauth to clarify the steps the Planning Board needs to take before the next meeting. She stated the first step the Board would be looking at adding a condition to the Site Plan approval that the Town require groundwater monitoring as it deems necessary.

Chairperson Rauth stated she wanted to discuss Town Counsel's legal advice.

**8:40 pm** Member Lehmann made a motion to go into non-public session pursuant to RSA 91-A:3, II (j) consideration of confidential...information that is exempt from public disclosure under RSA 91-A:5..." which would be advice from legal counsel; motion seconded by Member Buckley. Roll call – Member Buckley – aye; Member Lehmann – aye; Alternate Selectman Member Johnson – aye and Chairperson Rauth – aye.

**8:46 pm** the public session reconvened. The Board voted not to seal the non-public session minutes.

Continuing the discussion about COPART and what the Planning Board wants from them, Member Lehmann stated the first issue was easy; reserving the right to ask for groundwater testing. The second issue was getting a traffic study from COPART. After a brief discussion, Member Buckley stated in terms of wear and tear on the road he doubted much of a case could show that COPART had major responsibilities for that, however, the safety issue was a different story. Member Lehmann suggested having a safety study done. After a brief discussion the Board agreed to seek the advice from an engineering firm regarding what a safety study entails and an estimate of the costs. Chairperson Rauth will call one place that was recommended by Town Counsel. The Board decided to hold a work session on Thursday, October 2, 2014 at 7:30 am to discuss Chairperson Rauth's findings.

At this time, the Board reviewed the draft minutes from July 17, 2014, August 21, 2014, September 3, 2014 and September 15, 2014. Member Lehmann made a motion to accept the September 15, 2014 minutes as written; seconded by Member Buckley and approved. Member Buckley made a motion to accept the July 17, 2014 minutes as written; seconded by Member Lehmann and approved. Member Lehmann made a motion to accept the August 21, 2014 minutes as written; seconded by Member Buckley and approved. Member Lehmann made a motion to accept the September 3, 2014 minutes as written except to make paragraph breaks at three locations; seconded by Member Buckley and approved as amended.

The next item on the agenda was discussion of draft #7 of the Driveway Regulations. Because of the limited number of Planning Board members the Board decided to continue this discussion. Member Lehmann suggested discussing the draft at the October 2<sup>nd</sup> work session which the Board agreed to.

The next item on the agenda was update on Subdivision Regulations work session. Member Lehmann suggested Matt Monahan's audit work be divided among the Planning Board members for each to do a section and then bring it all together rather than forming a subcommittee. She suggested that Chairperson Rauth go through Matt's audit and assign each member a task and a deadline. Chairperson Rauth agreed and stated she would have it ready for the next meeting.

The last item on the agenda was to request assistance from the Webster Conservation Commission for input. Chairperson Rauth felt because the Planning Board writes the ordinances for the Town, other committees' input would be helpful and would benefit the Town by everyone working together. The Board was in total agreement. Chairperson Rauth plans to draft a memo to the Conservation Commission.

At this time Chairperson Rauth brought forth a Voluntary Merger application from Mr. Craig Norris to merge parcels both on map 10 lots 5-179 and 180. Member Lehmann made a motion to accept the Voluntary Merger application; seconded by Alternate Selectman Member Johnson and Member Buckley and approved.

At 9:29 pm Member Lehmann made a motion to adjourn; seconded by Alternate Selectman Member Johnson and approved.

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

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Susan Rauth, Chairperson