

**TOWN OF WEBSTER
PLANNING BOARD
MEETING MINUTES NOVEMBER 20, 2014**

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

Present were Chairperson Susan Rauth, Vice Chair Susan Roman, Members Jere Buckley and Selectman Roy Fanjoy. Also in attendance was Mr. John Kostro, General Manager and agent for the Copart facility on 111 Deer Meadow Road, Webster, NH.

The next order of business was the review of the draft minutes. By consensus the Board deferred review of the minutes in order to proceed with the Public Hearing on the amended Driveway Regulations and to continue the site plan deliberation for Case No. 14-02 Site Plan Review Application for Copart, 111 Deer Meadow Road, Webster, NH.

Member Buckley referred to the public hearing notice for the Driveway Regulations. He felt the notice indicated the public hearing was in part because the driveway regulations were a part of the subdivision regulations which Member Buckley believed was not correct. He stated they were separate independent documents authorized by separate RSA's, however, although public hearing was not required he agreed it was a good idea. He pointed out that the Board had adopted the amended Driveway Regulations officially on October 16, 2014 at their regularly scheduled public meeting and therefore the amended Driveway Regulations had been in effect since October 16, 2014. The Board agreed.

7:03 pm Chairperson Rauth opened the public hearing regarding the Driveway Regulations. At this time Julie and Richard Steele, non-resident property owners of map 7 lot 60 on Dustin Road, were invited to make comments. The Steeles' were concerned that they were issued a Driveway permit previous to the recently amended regulations. They have begun construction under a Driveway Permit that was issued under the previous regulations. After a brief discussion the Board assured the Steeles they should not feel bound by the new regulations. Mr. Steele also expressed concern regarding the two year expiration of the permit. He may need an extension and that was not addressed in the old or new regulations. Member Roman stated that it would be unfair for the Board to apply the new regulations to the extension. The Board was in total agreement and that should be addressed in the regulations. Selectman Member Fanjoy stated one extension for two years would be okay. Member Roman stated the Board should make it clear in the new regulations that an extension of a permit that had been issued under the old rules would not be bound by the new regulations. The Steeles were very much relieved and pleased.

7:14 pm After a brief discussion, the Board thanked the Steeles for their comments and for taking the time for coming. Chairperson Rauth adjourned the public hearing on the Driveway Regulations deferring Board comments on the regulations until after the continued deliberation of Site Plan Review for Copart later in the meeting.

Chairperson Rauth stated since the last meeting she had conversations with Mr. John Reed of Copart who told her Copart would be amenable to working with the Town to mitigate some of the problems and the questions the Board had related to safety. She stated he wanted to talk further about refining the studies; to zero in on specific areas of concern. Chairperson Rauth had actually

been on the phone with Mr. Reed right before this meeting. He spoke of the possibility of rerouting some of the traffic to other sites. He also stated Copart did a study and found they could not reduce the capacity at the site on Deer Meadow Road. Chairperson Rauth stated their conversation was basically “brainstorming”. Mr. Reed was not saying there would be any change at this time. Member Buckley asked about the status of the money the Board requested to be deposited by November 3rd – had that been put on hold? Chairperson Rauth stated ‘yes’. Member Roman then stated there was not an agreement to put anything on hold by the Board. She added that the Board could act at this meeting to disapprove the site plan.

Chairperson Rauth stated Mr. Reed designated Lisa Doherty, Copart’s Regional Manager, as the local contact person in addition to the Vice President of Operations, Stephen Powers. Ms. Doherty would be empowered to make statements, decisions and to work with the Board on behalf of Copart. Chairperson Rauth added that Copart would be willing to fund signs and to help the Town financially with what Mr. Reed called ‘minor’ areas of extra road work. Mr. Reed stated that Mr. Stripling had made an offer to give the Town \$20,000.00 per year to use as a contribution for Copart’s wear and tear on the roads when Copart first came to Town. Selectman Member Fanjoy did not recall that, however, he did remember that Copart offered to help out with the stretch of Deer Meadow Road to the Concord line so they could operate during mud season. Due to the loss of Copart’s lawsuit with the City of Concord, Copart is not legally allowed to travel that way. Chairperson Rauth stated the subject of mud season had not come up in the earlier discussion with Mr. Reed. Member Roman stated that she had reported to the Select Board about mud season being an issue and that Copart would have to address that issue with the Select Board as it does not come under the purview of the Planning Board.

Chairperson Rauth stated that regarding the two studies, Mr. Reed said he would like to work closely with the Board on things that can be done related to administrative things – internal housekeeping, signs and incident spots. She added that Mr. Reed wanted to work with the Board right away. He wanted to have conversations with Lisa Doherty and Steve Powers, the new Vice President of Operations for Copart, the Monday or Tuesday after Thanksgiving. Mr. Reed wants the Board to zero in on what Copart can do for them including financing. If that did not mitigate the problems, Mr. Reed stated Copart would rather be responsible for doing the studies themselves rather than a third party. Member Buckley stated his reaction to having Copart do the studies as opposed to through an independent third party, was that the independent approach was the principal thrust the Board was trying to achieve to give the Town’s citizens an indication that this would be a dispassionate independent third party assessment and now if it is a Copart study it would detract from the credibility. Member Buckley inquired about the status of the Junk Yard license. Selectman Fanjoy stated the Select Board could extend the license to June 30, 2015 or 90 days. The current license extension expires November 30, 2014.

At this time the Board recognized Jason Wovkanech of Corn Hill Road in Webster. Mr. Wovkanech was very concerned about the traffic safety and the wear and tear on the roads involving Copart’s business. He spoke about several instances of Copart’s haulers speeding, after hours deliveries/pick-ups and using Centennial Drive which is posted “No Through Traffic”. Mr. Wovkanech spoke briefly about his concerns. Mr. Kostro, General Manager, did respond to Mr. Wovkanech’s concerns about the hours and stated he had spoken to his drivers and the independent haulers. He apologized for some of their behaviors but he can only do so much. A brief discussion followed. Chairperson Rauth added that she had been informed that the trucks were still using Bashan Hollow and Gerrish Roads. Selectman Member Fanjoy stated that the 25

MPH signs had been posted. The Select Board did not post “No Through Trucking” because that posting would affect all heavy trucks, i.e., fuel deliveries, etc. Selectman Member Fanjoy asked Mr. Kostro if he had any statistics regarding the drop-off deliveries after 5 pm. He thought it was one or two. Mr. Kostro stated he tries not to have late arrivals, but due to traffic, storms/weather, it can’t be helped. After a brief discussion, Selectman Member Fanjoy suggested that Mr. Kostro ask the drivers to keep their speed at 25 MPH and stay to the right.

After a brief discussion, Selectman Member Fanjoy stated that he felt the two studies (truck routing study and groundwater monitoring) should not be done by anyone associated with the Town or Copart. The Board was in complete agreement that they were looking for professional educated opinions.

Member Roman made a motion for the Board to reissue the letter with the same conditions with a deadline of December 5, 2014; to make it clear that the Board is not at this time asking for any money for Task 6.0 and the Board wants an additional 90 day extension beyond which was granted by the Select Board; motion seconded by Member Buckley and unanimously approved. Member Roman suggested the letter also direct Copart to contact the Select Board regarding mud season issues.

8:20 pm Chairperson Rauth adjourned the Copart site plan review deliberation and continued it until the next Planning Board meeting on December 18, 2014 at 7 pm at the Webster Town Hall. The Board thanked Mr. Kostro for coming.

The Board signed the Town Clerk’s Certificate of Adoption for the Driveway Regulations amended October 16, 2014.

Member Buckley stated he would contact Emmett Bean, Road Agent, for his input regarding some possible changes to be made to the Driveway Regulations. He stated he would come to the next meeting with hopefully some input from Emmett and more specific changes. Member Roman stated there should be a provision for extending the driveway permit for one extension period. Member Buckley will do a proposal for adding that provision under section **VI - Planning Board Options** of the Driveway Regulations.

Before proceeding to reviewing the minutes, Chairperson Rauth brought to the Board’s attention a subject that would be on the December 18th agenda. The Town of Boscawen approved a lot line adjustment for property totally in Boscawen; however, one of the property lines was the town boundary line between Boscawen and Webster. The MCRD registrar, Kathy Guay, would not record the mylars without the Town of Webster’s Planning Board signature. Mr. F.W. Stout, agent and licensed NH surveyor will bring the mylars on December 18th for the Planning Board to sign “For recording purposes only”.

The next order of business was the review of the October 14th and October 16th minutes. Re the October 16th minutes, Member Roman pointed the word ‘of’ was missing from page 2 at the end of the second line “...Mr. Bruce Crawford, a resident of Boscawen”. Member Roman made a motion to approve the minutes of October 16, 2014 with that change; seconded by Member Buckley and approved - 3 ayes to 1 abstention (Selectman Member Fanjoy was not in attendance on October 16, 2014).

After a brief discussion and review of the October 14, 2014 Joint Hearing minutes, Member Roman asked Mrs. Larson if Mr. DiPrima had submitted the description of an approved system for the storage and securing of the gas and diesel fuel etc. Mrs. Larson answered 'no'. Member Roman made a motion to approve the minutes in so far as they pertain to Planning Board participation in the joint hearing; seconded by Member Buckley and approved – 3 ayes to 1 abstention (Selectman Member Fanjoy was not in attendance on October 14, 2014). Member Buckley suggested a phone call to Mr. DiPrima would be sufficient. Mrs. Larson will call Mr. DiPrima and ask him to submit the description.

At this time Chairperson Rauth noticed the wording of the conditions in the October 14th minute was not stated as intended. After a brief discussion, Member Roman made a motion to retract approval of the minutes of October 14, 2014 until the tape of the meeting could be consulted as to the wording on page 5; seconded by Member Buckley and approved 3 ayes to 1 abstention.

The next order of business was discussion of the Subdivision Regulations revision. Chairperson Rauth stated she had contacted Mike Tardiff and Matt Monahan of CNHRPC. They said the overall budget would be \$3,000.00 but they would match it with a block grant so the Town's cost would be \$1,500.00. She stated they could start work in April or May 2015. Chairperson Rauth then stated she had taken the liberty of adding in \$1,500.00 to the PB/ZBA 2015 budget and submitted it to the Selectmen. The Board would have to wait until Town Meeting to see if the budget gets approved. In the meantime, Chairperson Rauth suggested working on 'major and minor' subdivisions; see what other towns have for definitions. Member Roman stated that for the next meeting, she will look into the option, not the requirement, of doing 'conservation subdivisions'. She asked did the Board have the appropriate legislative authority to do that, i.e., having legislative authority to do 'innovative land use' controls. Member Buckley and Chairperson Rauth both thought the Board had that authority. Member Roman will double check that for the December meeting. If the Board does not have that legal authority, Member Roman would like to draft a Warrant Article.

8:58 pm Member Buckley made a motion to adjourn; seconded by Chairperson Rauth and unanimously approved.

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

Susan Rauth, Chairperson