

**TOWN OF WEBSTER
PLANNING BOARD
MEETING MINUTES NOVEMBER 21, 2019
(Amended section in **BOLD** below.)**

At **6:30 pm** Chairperson Rauth convened the regularly scheduled meeting of the Planning Board and took attendance. Members present were Lynmarie Lehmann, Paul King and Craig Fournier. Alternate Members present were Kathy Bacon and newly appointed, David Hemenway.

Webster Conservation Commission (WCC) members present were Chairperson, Chris Schadler, Betsy Janeway, Linda Clark, Nancy Rideout and Sally Embley.

Chairperson Rauth explained that the Planning Board had invited the WCC to come to the meeting to do a walk through of the draft wetlands' ordinance proposed to be on the ballot in March 2020.

At this time Chairperson Rauth brought forth a *Notice of Voluntary Merger* from Bruce and Katherine Johnson of Walker Pond Road, to merge lots 6-113 and 6-114 on Walker Pond Road. After a brief discussion, Chairperson Rauth signed the form.

At this time the Board reviewed the draft minutes from October 17, 2019. Member Lehmann made a motion to accept the minutes as written; seconded by Member King and approved by three members and one abstention – Member Fournier was not in attendance at the October 17th meeting.

At this time, WCC Chairperson Schadler, began the presentation about the proposed *Wetlands and Watershed Protection Ordinance*. She gave a brief summary explaining how the WCC had been working on this for about nine months. She stated they began by looking at the ordinances of different towns around New Hampshire. She explained that in New Hampshire the Conservation Commissions are not regulatory—they are advisory. She explained that if any town wants to adopt a wetland ordinance, the State of New Hampshire has a permitting process that protects wetlands by installing buffers. Ms. Schadler proceeded to give a brief history of the zoning amendments that took place in Webster over the years. She stated this presentation would be in two parts; she was going to speak about wetlands and buffers and why it would be important for local governments to protect the land around the wetlands. **Ms. Schadler explained that the second part of the presentation would be done by WCC Member, Nancy Rideout.**

Ms. Schadler proceeded to speak about the history of wetlands in the U. S. and how wetlands today are affected by climate change in addition to numerous other statistics. Ms. Schadler stated that wetlands are critical habitat for animals and plants in addition to water purification and flood storage. Ms. Schadler continued with her presentation for a period of time explaining the different types of wetlands. Ms. Schadler referred to two maps posted on the wall showing the aquifers and wetlands in Webster. She stated the WCC had hired a wetlands scientist to assist in developing this proposed ordinance. The scientist divided the town into three main complexes of wetlands, Walker Pond Complex and the Upper and Lower Blackwater River Complexes. The scientist focused in on these three complexes and chose 25 wetlands that in her professional opinion had the greatest opportunity for flood storage, wildlife habitat, ecological integrity, scenic value, noteworthiness, etc. Ms. Schadler stated the wetland scientist was Tracy Tarr, of GZA GeoEnvironmental, Inc., of Bedford, NH. Ms. Tarr did an assessment of the functionality of those wetlands. At this time Ms. Schadler referred to the NH Method Summary of Scores assessment sheet completed by Ms. Tarr. Ms. Tarr submitted a 30 page plus *Freshwater Wetlands Assessment Report* of the Town of Webster. A brief discussion ensued. Ms. Schadler stated the Conservation Commission still did have a lot of questions for Ms. Tarr.

At this time, Conservation Commission Member, Nancy Rideout, proceeded with the second part of the presentation, the actual proposed ordinance. Ms. Rideout stated the draft copy of the ordinance was very much a draft. She stated that the most important parts of the ordinance had not been decided completely yet. Ms. Rideout went through each section of the ordinance and gave a brief overview of each. Discussions ensued about definitions – there were definitions listed but the specific words were not used in the ordinance and then there were some words in the ordinance that were not defined. Planning Board members did have questions as Ms. Rideout read the ordinance. Ms. Schadler in response, stated, that if

the Board goes into too much detail on the ordinance right now, the meeting would last for a very long time. She added that this was just an overview of generally where the WCC was going and how they are trying to get there. Member Lehmann clarified that the purpose of this meeting then was for the WCC to speak to the Planning Board and get their input and beliefs about going forward with it and not to be concerned at this time about the language. At this time Chairperson Rauth stated that there were distinct areas of conflict with the current Zoning Ordinance that she would like to discuss after Ms. Rideout finished her overview. Discussion continued regarding conditional use permitting, special exceptions and variances and how they are integrated into the proposed wetland ordinance. Member Lehmann stated that conditional use permits are only given out for innovative land use controls per RSA 674:21. One example of innovative land use is cluster housing development. She stated that the WCC should probably stick with the conditional use permit rather than a variance. Chairperson Rauth added that instead of the person going to the ZBA for a variance, they would come to the Planning Board for a conditional use permit. Discussion continued about the definition of a variance and the process.

After a lengthy discussion, Member Lehmann followed up with some concerns. She stated that many people in town may be concerned about a 100 foot buffer on the rivers in town, the twenty-five assessed wetlands (greater than 5,000 square feet) and a 100 foot buffer from any structure. Member Lehmann stated this may be oppressive to some; would there be something that may be more palatable? Ms. Rideout stated that one of the arguments for a water buffer is the more intense the land use, the more necessary it is to have a 100 foot buffer. She added that most of the twenty-five wetlands are in undeveloped areas which doesn't impact a lot of property owners. After a brief discussion, Ms. Schadler stated that wetlands do increase property value. She stated because of land use studies, towns that have buffers around wetlands and open space, property values in those towns tend to be higher.

At this time Chairperson Rauth wanted to discuss how the proposed ordinance was in conflict with the current Zoning Regulations regarding setbacks and special exceptions. Ms. Schadler stated that a setback is not a buffer. She stated setbacks are a Planning Board "thing" and a buffer is a Conservation "thing". Member Fournier asked which takes precedent? Alternate Member Bacon stated that people are not going to like this – it's such a big change. Alternate Member Hemenway stated the effect is going from 20 feet to 100 feet. Chairperson Rauth stated this was confusing. Member Lehmann asked does the proposed ordinance mean there are both setbacks and buffers or is the buffer within the setback? After a brief discussion, Chairperson Rauth pointed out that some of the language in the proposed ordinance would need to be presented as additional amendments, i.e., ballot questions, to the current Zoning Ordinance.

Chairperson Rauth asked what would be the next step? Member Lehmann stated that there wasn't a lot of time between now and January, when the public hearings have to take place. According to RSA 675:3; 675:7 January 8, 2019 is the last day to post and publish notice for the first hearing on proposed adoption or amendment of the zoning ordinance. Per RSA 675:3 February 4, 2019 is the last day for the official copy of the final proposal to adopt or amend the zoning ordinance to be placed on file at the town clerk's office. Member Lehmann stated she would like to see a draft by December so that a public hearing can be held in January. If there are substantial changes, then a second public hearing has to be held 12 days later. She stated she would not want to see this the final draft for the first time at a public hearing. Ms. Rideout concluded that a final draft should be ready for the Planning Board's December 19th meeting. Member Lehmann stated the Board would also have to discuss in detail the conditional use permit part. Alternate Hemenway added that the WCC was still working on their side of how much is supposed to be protected and which areas. After a brief discussion, Chairperson Rauth stated the only way this would work would be to have the draft ready for the December 19th Planning Board meeting. At that meeting make all the decisions to be ready for the public hearing early in January in case a second one would be needed due to any substantive changes that may happen. Member Lehmann stated the WCC should have an education campaign. Chairperson Rauth stated the public should have an opportunity to hear about this before the Budget Hearing in February. Ms. Schadler stated that the WCC is going to have a famous wetland expert come to speak. He is waiting for Ms. Schadler to give him a date and time. Chairperson Rauth asked if Ms. Schadler felt one presentation to the public would be enough? Member Lehmann suggested the WCC could hold an informational meeting perhaps right

before one of the public hearings in January. Member Lehmann suggested doing a YouTube video and put it on the town's website. She stated it was not difficult to do.

At this time Chairperson Rauth stated some Board members had concerns about the timeframe. Member King felt the WCC consider waiting another year because of not having enough time and the problem people will have reading the ordinance and not understanding it completely. Alternate Member Bacon clarified Member King's concerns; that if this was not pretty much laid out, it would be better not to push it this year rather than risk making people adamant against it. She then agreed with Member King. Alternate Member Hemenway felt the bigger worry might be if it doesn't go through, it will set a lot of people permanently against it. Alternate Member Bacon stated that was her point.

Member Lehmann suggested the WCC do a campaign next year with things planned every month to educate the public to bring it forward for March 2021. Alternate Member Hemenway stated the WCC could bring people out on walks to see how great these wetlands are.

Chairperson Rauth asked the WCC if they had considered doing it next year? Member Lehmann stated the Planning Board was not telling the WCC that they had to wait until next year.

Member Fournier stated that if the WCC worked really hard and got a completed draft to the Planning Board next month, the Planning Board could take a look at it and make a decision then. Member Fournier stated they did not have to make a decision tonight. Ms. Rideout suggested the buffers be for just the twenty-five assessed wetlands for this year and propose a more complex ordinance for next year. She stated the WCC did not like her idea, so she asked the Planning Board members what they thought. She added that at least the most significant wetlands would have protection and it would not affect many property owners. Member Fournier stated the WCC was on solid ground with protecting the twenty five assessed wetlands. After a brief discussion, Chairperson Rauth stated the ideal thing would be to have public meetings throughout the year and get peoples' opinions as to what they would agree to similar to how the Master Plan update was done. Chairperson Rauth stated she would hate to see this go down in flames after all the hard work and money the WCC has put into it. Member Lehmann stated she agreed with Member King that if you haven't educated the people in Webster about the need for the ordinance, they are going to reject it out of hand.

Chairperson Rauth asked the WCC if they wanted to go forward and have a draft ready for December and see how it works with that deadline? She stated the Planning Board would need to set up a meeting in addition to the regular meeting of December 19th in order to work on their part of the ordinance. At this time Ms. Schadler stated she was "feeling" Thanksgiving and then shortly after that are Christmas and New Year's. Chairperson Rauth stated it was a tough time of year for people to attend a lot of meetings to which Ms. Schadler agreed. Mrs. Janeway stated that Member King was right; if the people turn it down then they will never vote for it again. Alternate Member Bacon stated the documentation the WCC had was good.

After a brief discussion, Chairperson Rauth thanked the WCC members and all the work they had put in to the proposed ordinance. She stated that whatever the WCC decides, the Planning Board will do their best to support it. She added that they (the Planning Board) really want to do it. Member Lehmann stated that if the WCC wants this done for 2020 March Town Meeting, then what the Planning Board suggests is that the WCC get the document to the Board by their next meeting on December 19th that will be ready to be presented to the public in January. Chairperson Rauth stated if the WCC can do that, that would be good. Member Fournier stated the WCC had done a good job and should pat themselves on the back.

Chairperson Rauth asked Ms. Schadler before she left to let the Planning Board know what the WCC decides as soon as they can. Ms. Schadler answered that yes, she would. The WCC members left the meeting and thanked the Planning Board.

At this time the Planning Board discussed updating the Subdivision and Site Plan Review applications and checklists. It was discovered that some changes and amendments will need to be made.

Meeting adjourned at 9:15 pm.

These minutes were approved as amended on December 19, 2019.

Respectfully,

Susan Rauth, Chairperson

Approved as Amended