

**TOWN OF WEBSTER
PLANNING BOARD
MEETING MINUTES DECEMBER 19, 2019**

At **6:40 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.

Members of the public present: Mr. Peter Swislosky, resident and owner of Granite Roots Construction, LLC.

At this time Chairperson Rauth informed the Board that the Webster Conservation Commission decided to wait until 2021 to bring the wetlands ordinance to Town Meeting.

Chairperson Rauth stated she had received an email during the day from Mr. Swislosky, owner of Granite Roots Construction and a resident of the Pillsbury Lake District. She stated he had a question about a driveway for a house he is building on Centennial Drive. She stated that Member King and Fire Chief Emmett Bean have worked with Pete on this. She stated that she asked Pete to come to the meeting to clarify his email to her.

The Board then invited Mr. Swislosky to the table to review the Tax Map for lot 10-5-1 located on Centennial Drive and Mr. Swislosky's engineer drawings of the driveway. Mr. Swislosky explained the process he went through with his engineers to draw up plans for the driveway construction. After submitting the first Driveway Application for Construction and meeting with Member King and Fire Chief Bean at the site, the application was not approved due to set back measurements and possible right of way issues. At the direction of Member King and Fire Chief Bean, Mr. Swislosky redid the plan and submitted a second application moving the driveway. This second construction plan now impacts a wetland. Mr. Swislosky then contacted NH DES to get the dredge and fill permits as required for construction in a wetland. Although DES did not deny him, they delayed their decision because they challenged him as to why he didn't put the driveway where he had frontage. Mr. Swislosky told them he was told by Fire Chief Bean that that frontage was town property and he could not put his driveway on town property even though it was never developed as part of the Centennial Drive, in essence, a bump out on paper only. DES countered that it *was* a right of way; because it was not developed does not mean Mr. Swislosky would not be allowed to access his property. Mr. Swislosky said to the Board that's what he was trying to get clarification for from the Planning Board. Mr. Swislosky stated the site where DES wants him to move the driveway to *is* a better location because it avoids wetlands and avoids a culvert that the town may have to deal with in the future. He asked the Board, is this a right of way or is it town property? Mr. Swislosky stated if he has to go back to DES, he needs clarification as to why he has to construct the driveway through wetlands. Chairperson Rauth asked if DES had turned down his application. Mr. Swislosky stated it was put on pause because he still would need to go before the Conservation Commission prior to getting approval from DES. Member Lehmann stated he would need a dredge and fill permit to put the driveway in. Mr. Swislosky answered in the affirmative. She clarified that DES would not give him that permit if there was a better alternative to not impact the wetlands. A brief discussion ensued regarding the right hand side of the driveway in the first application. Member King stated the required 10 foot setback in the Driveway Regulations could not be met if it was constructed at that original location. Member Lehmann stated that frontage area was part of the right of way – *it's part of the road that was not developed*. She stated the road was not constructed as shown on the plot; the road at that point becomes a paper road although the rest of the road is accepted as a real road. It's just that that area is not constructed. Member King stated it more than likely never will be since it's been that way for over 40 years. After a brief discussion, Member King stated the Board might be able to waive the 10 foot setback from the property line if Mr. Swislosky's original plan is pursued. Chairperson Rauth added that the Planning Board does have the authority to waive Driveway Regulations requirements to the extent required to allow reasonable vehicular access. Member Fournier stated the Board could stipulate that Mr. Swislosky would have use of the right of way, but not possession of the right of way. Mr. Swislosky stated the issue at hand was actually the setback to the boundary line. Member Lehmann stated that Mr. Swislosky was not building the driveway in the right of way, he was just using the right of way as setback. Member Lehmann stated she did not have a problem with Mr. Swislosky using the right of way as part of the setback if it's never going to be constructed as a bump out. After a brief discussion, Member Lehmann made a motion to grant a waiver of the 10 foot setback of the Driveway Regulations, but for when constructed,

to use as little of that 10 foot setback area as possible; seconded by Member Fournier and approved unanimously. Mr. Swislosky thanked the Board for their time and they in turn thanked him for coming in.

The next order of business was review and update of the Driveway Regulations. Chairperson Rauth stated the Rutherford property on Dustin Road has a proposed driveway of 450 feet long which would require a passing zone because the Driveway Regulations require that for driveways longer than 300 feet. She stated that Member King brought to her attention that the current regulations' measurements for the passing zone are not adequate for today's fire trucks which are 31 feet long – bumper to bumper and 9.5 feet wide – mirror to mirror. Currently, the regulation states: "*Driveways longer than 300 feet should widen to a minimum of 20 feet for a distance of at least 40 feet at intervals of no more than 300 feet, to allow passage of vehicles travelling in opposite directions.*" Member King and Fire Chief Bean did discuss the situation and negotiated terms with Mr. Rutherford at the time of their initial inspection. Member King brought forth to this meeting his proposed amendment to the Driveway Regulations. He asked the Board to review the following language: "*Driveways longer than 300 feet should provide a passing zone of an additional 12 feet width, for a distance of 50 feet on the straight portion, at intervals of no more than 300 feet, to allow passage of vehicles travelling in opposite directions.*"

After a brief discussion, the Board was in agreement with the proposed amendment to bring forth at a public hearing perhaps in February 2020 to present along with proposed amendments to the checklists and regulations for the Subdivisions and Site Plans. Chairperson Rauth asked the Board to review these minutes and the language and see if there would need to be any changes to it.

The next order of business was review of the draft minutes from November 19, 2019. Member Lehmann suggested rewording the last sentence of paragraph 6 on page 1 from: "*The second part of the presentation will be done by WCC Member Nancy Rideout to talk about the language of the ordinance.*" To: "***Ms. Schadler explained that the second part of the presentation would be done by WCC Member Nancy Rideout.***" Member Lehmann made a motion to accept the minutes as amended; seconded by Member Fournier and approved unanimously.

For the next order of business, Chairperson Rauth wanted to review the final part of the subdivision and site plan review regulations: the procedures, applications and checklists. She reminded the Board that the site plan review regulations were patterned after the subdivision regulations. Her concern were the requirements for major and minor Site Plan reviews. She felt the requirements seemed to be a bit arduous for certain site plan reviews, i.e., a home business site plan would not need to meet the all the requirements of a commercial business, for example a licensed survey. At this time the Board brainstormed ideas about language for minor site plan review requirements. After a brief discussion, Chairperson Rauth stated she would try to identify what the Board would want. She will present a list from the subdivision regulations that would apply to minor site plan reviews at the next meeting in January.

The meeting adjourned at 8:10 pm.

These minutes were approved as written at the January 16, 2020 Planning Board meeting.

Respectfully,

Susan Rauth