

DRAFT
TOWN OF WEBSTER
PLANNING BOARD
MEETING MINUTES MAY 15, 2014

At 6:59 p.m. Chairperson Sue Rauth convened the regularly scheduled meeting of the Webster Planning Board.

Present were Chairperson Sue Rauth, Vice Chair Member Sue Roman, Member Jere Buckley, Alternate Select Board Member Bruce Johnson and Alternates Rick Cummings and M.J. Turcotte. Alternate Turcotte was appointed to serve as a voting member due to the absence of Member Lynmarie Lehmann.

The next order of business was to review the draft minutes of the April 17, 2014 Planning Board meeting. Member Buckley recommended the following amendments:

- page 1; fourth paragraph; fourth line down, "...seconded by Acting Member Cummings and unanimously approved (insert comma and add), **to take effect at the end of the meeting.**"
- top of page 2; third line down "...to ask COPART to come in to discuss **this.**" Replace **this** with "**the site plan review.**"
- the third to last paragraph on page 2; sixth line down "...explained to the Board the he **tried to give ...**" Replace phrase in bold with **gave.**

Member Roman also recommended an amendment to page 1 the third line up from the bottom, "...plan review would not eliminate COPART's use; **use was established by estoppel or by waiver.**"; replace semi-colon with a period and strike the phrase shown in bold above. There were no other comments. Member Buckley made a motion to accept the minutes of April 17, 2014 as amended; seconded by Member Roman and approved unanimously.

The next order of business was the review of PB Case No. #14-01-Lot Line Adjustment & Annexation Application from Trisha and Normandie Blake (daughter and mother respectively). Chairperson Rauth invited Trisha Blake to the table to present the application. Trisha stated the purpose of the lot line adjustment was to annex a portion of land from each of her mother's two lots, 6-88 and 6-95, to her lot 6-106 in order to build a garage. Trisha's leach field is currently across the road straddling her mother's lots 6-88 and 6-95. The lot line adjustment would accommodate the existing leach field and any additional accessory structures only. Trisha presented a color coded plat for the Board to examine. A brief discussion ensued regarding compliance with setbacks and driveway permit application requirements. Ms. Blake was well aware of her responsibilities.

After the Board completed their review and discussion, Member Roman made a motion to approve the boundary line adjustment between Normandie Blake and Trisha Blake subject to the following conditions:

- change the bounds from rebar to 4 inch square granite;
- the plat contain the language required in Section 5.4 paragraphs D. and E. of the Subdivision Regulations;
- the deed reflect to the language required in Section 5.4 paragraph D. i.e., the deed that actually represents the conveyance and is recorded at Merrimack County Registry of Deeds;
- walking the bounds;
- receiving Mylars;
- correcting *a.* and *b.* designations on the plat.

The motion was seconded by Member Buckley; the vote was unanimous in favor of approval of the Blakes' Lot Line Adjustment/Annexation application.

The next order of business was a 7:30 pm discussion with Mr. Michael Tardiff and Mr. Matt Monahan of the Central New Hampshire Regional Planning Commission. However, because it was earlier than 7:30 and the gentlemen had not arrived, the Board skipped to the next agenda item regarding follow-up to Chairperson Rauth's and Member Roman's approach to the Select Board about COPART. Chairperson Rauth stated that the Select Board had approved the Planning Board's request for the Select Board to write a letter to COPART informing them to submit a Site Plan Review Application. Selectman Johnson stated that he had signed the letter earlier in the day and it would be delivered by a member of the Police Department on Friday, May 16th or Monday, May 19th. Selectman Johnson informed the Board that the Select Board will be holding a work session on June 9th with COPART regarding the renewal of their junkyard license and will address any questions COPART may have about their Site Plan Review at that time.

The next order of business was the Rauth/Lehmann report on efforts to improve the withdrawn 'Lot Line' amendment. Chairperson Rauth stated that she and Member Lehmann had worked on it briefly last month. She will make plans to meet with Member Lehmann to spend more time working on it.

The next order of business was the designation of a Planning Board member to review and approve driveway construction applications on behalf of the Planning Board. Unofficially, Member Buckley has been performing that duty, however, he felt there should be an on the record authorization for same. Chairperson Rauth recommended that the following wording be added to the Driveway Regulations:

"A Planning Board member may be designated to review and approve the driveway construction applications on behalf of the Planning Board."

At this time Chairperson Rauth stated that on behalf of the Webster Planning Board she would like to designate Member Jere Buckley as the Planning Board member to review and approve driveway construction applications. Member Buckley stated he would accept on one condition; that the Board keep pressure on to complete the revision of the Driveway Regulations.

The next order of business was the continued review of the Driveway Regulations, including "shared driveways." However, due to the expected arrival of Mr. Tardiff and Mr. Monahan, the Board instead took a question from Selectman Johnson regarding a setback issue involving a large (over 18 feet in length) RV in the Pillsbury Lake District. Member Roman stated the proper procedure would be for the complainant to come before the Planning Board; if they don't like what the Planning Board has to say, then they can go to the ZBA. After that they can go to court. Alternate Cummings stated that the Select Board should be careful of the fine line between Town regulations and what could be a civil matter between neighbors. Member Roman added that the Board will have to discuss what setbacks now mean for RV's based on the setback requirements. After a brief discussion, it was decided that Chairperson Rauth, Member Roman and Alternate Turcotte would make an appointment with legal counsel at NHMA to get an interpretation of the definition of 'building' and what it encompasses including RV's.

Mr. Tardiff and Mr. Monahan had arrived. Chairperson Rauth invited Mr. Tardiff and Mr. Monahan from CNHRPC to the table. Chairperson Rauth began the discussion by explaining the Board tends to make regulation changes/amendments piecemeal because the issues involved present themselves that way consequently, the Town ends up with a hodgepodge/patchwork of documents. Member Buckley added that the Board had struggled to find an efficient way to review and implement changes to the Planning Board documents. He stated the Board had gotten bogged down in lengthy, line by line word analyses.

Mr. Monahan stated that over the years CNHRPC had created an Excel spreadsheet called a 'Regulatory Audit'. Mr. Tardiff stated they could help with Subdivision Regulations over the summer because their schedules were full through June 30th. Chairperson Rauth added that the Board needs help with the basic building block definitions. Mr. Monahan informed the Board that there is a website with a 500 page pdf document with just zoning definitions. He stated the Board could craft their own definitions using this resource. Mr. Monahan will e-mail the link to the Board.

Chairperson Rauth brought up the 2005 Master Plan for the next discussion. Mr. Tardiff stated that CNHRPC was currently working with other towns on Master Plans ranging from 2001 to 2005. He stated the world had changed since 2005 especially the demographics of the State and how NH has not grown nearly as fast as it did prior to 2005. Member Buckley stated the Town of Webster has had a markedly low level of land use change activities. After a brief discussion, Mr. Tardiff stated they would be happy to give direction and pitch in on chapters in the Master Plan. He stated that 18 months seemed like a good timeframe to work on a Master Plan. CNHRPC has funding under a Transportation Planning Work Program through DOT that could help with the transportation chapter. Mr. Tardiff stated that they have a lot of information on demographics that are coming out of their Regional Plan Update that should help the Board. Chairperson Rauth stated she felt the Board would need the most help with the 'Future Land Use' chapter and innovative land use controls.

Mr. Tardiff recapped what the CNHRPC could help the Planning Board with during the summer :

1. Regulation Audit of the Subdivision Regulations;
2. The Planning Board to read through Zoning Definitions website;
3. Mr. Tardiff to put together options for CNHRPC participation in different chapters of the Master Plan.

A lengthy discussion followed regarding funding and grant money to cover some of the expenses; major, minor, conservation and cluster subdivisions; looking at wording from model subdivision regulations; and workforce housing. Chairperson Rauth stated that in the meantime the Board would make a list of areas the Board wants to change or improve.

Selectman Johnson asked Mr. Tardiff if CNHRPC got involved with multiple towns working together. Mr. Tardiff stated he was glad Selectman Johnson brought up that subject. He informed the Board that one of the groups CNHRPC had formed was the 'Broadband Stakeholder Group'. He stated that there are distinct areas in the region that are underserved and Webster is one of those communities. The CNHRPC would like to start up a Broadband Advocacy Group to get

input from interested residents from surrounding communities. A brief discussion ensued about internet provider services and cable TV.

At this time Member Roman referred back to the model subdivision regulations. A discussion ensued regarding definitions and language and the importance of models that should be internally consistent. Mr. Monahan agreed that definitions should be consistent throughout all zoning regulation documents. Member Roman asked that when Mr. Tardiff and Mr. Monahan send the model subdivision regulations to also send a 'sister' model zoning ordinance. This was the conclusion to the visit from Mr. Tardiff and Mr. Monahan. They thanked the Board for inviting them and the Board thanked them for coming. Selectman Johnson also invited the gentlemen to attend the next Shared Services meeting in two weeks in Boscawen.

At this time Selectman Johnson asked Alternate Cummings to clarify his previous comment regarding the RV setback dispute. Alternate Cummings stated one has to be careful regarding civil suit disputes vs. Town ordinance disputes. In summary, Member Roman stated Selectman Johnson had been correct to come to the Planning Board for an interpretation in order for him to enforce the regulation. The Planning Board will then get back to him. The complainant may then accept the interpretation or apply to the ZBA for adjudication or go to civil court. Member Roman reiterated that she and Chairperson Rauth and Alternate Turcotte will make an appointment with legal counsel at NHMA for an interpretation.

At this time Acting Member Turcotte stated she was surprised at the Board requiring granite bounds for the earlier approved lot line adjustment. Alternate Cummings stated that was a requirement of the Subdivision Regulations. She informed the Board that Pillsbury Lake lots are being resurveyed and she wanted to know if they are required to put in granite bounds. Member Roman stated the Board did not have any authority over how the surveyor marks his bounds. Granite bounds do not apply to surveys, only those applications that fall under the Town's Subdivision Regulations.

The next order of business was review of the Driveway Regulations. Due to the absence of Selectman Fanjoy, the Board decided to wait until the next meeting to review the regulations. However, they did have a discussion about shared driveways. Member Buckley referred to a handout he had prepared. Member Roman stated she understood that Member Buckley's proposal could serve any number of houses. Member Buckley stated he fundamentally did not see the difference between a driveway and a private road. He stated there will be a conceptual discussion coming before the Board in June that will cover a planned access way serving more than one lot. He stated the lots already exist and there were plats that show access ways laid out. After a brief discussion, Alternate Cummings stated he felt the number of shared driveways should remain at two until the Board develops a definition for private road. Questions arose from Board members regarding the conceptual discussion coming in June. Member Buckley stated that right now it is an existing driveway to a single residence with the potential to be extended to serve two additional lots. The access way is shown on a plat for the second and third lots but has not been created yet. After a lengthy discussion, Chairperson Rauth suggested the Board should do as much research as they can before the June 19th Planning Board meeting. A brief discussion ensued regarding the shared responsibilities and liabilities of the residents on the shared driveway.

At 9:10 pm Selectman Johnson made a motion to adjourn; seconded by Acting Member Turcotte.

These draft minutes were prepared by Therese E. Larson, Town PB/ZBA Secretary.

POSTED May 21, 2014