

DRAFT
TOWN OF WEBSTER
PLANNING BOARD
MEETING MINUTES JANUARY 16, 2014

At 7:03 p.m. Chairman Jere Buckley convened the regularly scheduled meeting of the Webster Planning Board.

Present were Chairman Jere Buckley, Vice Chair Member Sue Roman, Selectman Roy Fanjoy, Member Sue Rauth, Member Lynmarie Lehmann and Alternates David MacAllen and M. J. Turcotte. Members of the public were Mr. Joe DiPrima, owner of Cozy Pond Camping Resort, and Mr. Mike Jette, resident of Clothespin Bridge Road.

The next order of business was to review the draft minutes from the December 19, 2013 meeting. Chairman Buckley suggested minor changes to page 2; second to last paragraph, the second sentence which read: "This was prompted by the recently encountered lot-line-in-the-middle-of-the-road issue from the conceptual proposal by Trisha and Dee Blake."; amended to read: "This was prompted by the recently encountered lot-line-in-the-middle-of-the-road issue **encountered during a conceptual discussion with** Trisha and Dee Blake." Selectman Fanjoy made a motion to approve as amended the December 19, 2013 Planning Board minutes; seconded by Members Rauth & Roman and approved unanimously with that amendment.

Chairman Buckley asked the Board if it would be alright to abbreviate the explanation of the public hearing procedure due to only one member of the public, Mr. DiPrima, in attendance at this time who was already very familiar with the public hearing procedure. The Board was fine with the Chairman's request. Chairman Buckley stated the rules were the same as last time.

7:03 pm: Chairman Buckley opened the scheduled public hearing on two Planning Board proposed 2014 warrant articles seeking to amend the Webster Zoning Ordinance. He informed everyone the hearing was being recorded.

Chairman Buckley stated the Proposed Warrant Article #1 had been considered at the last Planning Board public hearing on November 21, 2013 and had been approved as written with the proviso that the Board would seek input from Mr. DiPrima with regards to citizen concerns requiring the removal of screen rooms and decks at the end of the season which could be a financial detriment to Mr. DiPrima's business. Mr. DiPrima did state the warrant article approved as written would in fact impact his business. The Planning Board then revised the proposed article in what they thought was a substantive way, which meant having a second public hearing tonight.

Originally Proposed Warrant Article # 1, Section 5. B. previously approved as written at the November 21, 2013 Public Hearing:

"...B. Any appurtenant structures, such as screen rooms or decks, added to or associated with recreational vehicles in an approved campground must be removed at the end of the approved campground season.

Substantively revised version approved at the Planning Board meeting of December 19, 2013:

***“...B. Screen rooms or decks may be added to recreational vehicles in an approved campground but must be temporary in nature, to the extent that they must rest on the ground and not be on piers extending below grade or on an in-ground foundation of any kind.*”**

There were no questions for fact or clarification. Mr. DiPrima stated he was very happy with the revision.

No one spoke in favor or opposition. Selectman Fanjoy made a motion to accept the revised Proposed Warrant Article #1 as written: seconded by Member Lehmann and approved unanimously.

With the public hearing still in session, Chairman Buckley addressed the Newly Proposed Warrant Article #5. He stated this article had been precipitated in part by the conceptual discussion the Board had with the Trisha and Dee Blake wherein they wanted to do a lot line adjustment where the lot line was the centerline of the road. The Board did not think they could deny that request under the present ordinance; the Board did not think that would be a good precedent to set for future situations that could conceivably be more objectionable. Chairman Buckley read the proposed warrant article.

No additional comments were made by the Board.

The Chairman then opened the discussion to members of the public for questions of fact or clarification. Mr. Mike Jette of Clothespin Bridge Road then addressed the Board. Mr. Jette stated he had e-mailed Chairman Buckley and the Chairman clarified the proposed article was written *for the purposes relative to the Zoning Ordinance*, i.e., this would not usurp any of Mr. Jette's actual or presumed rights to the center of the road. Mr. Jette stated one of his concerns was the difficulty of trying to sort out the ramifications of the brief one page warrant article in reference to the Zoning Ordinance, which is a much larger document. He found it confusing to sort through.

Member Roman stated she wanted to make sure she understood what Mr. Jette's concern was and if it had been addressed. Mr. Jette stated, technically, he owns to the center of the road. He initially thought the proposed ordinance was doing away with that and it caused him great concern. A brief discussion ensued. Member Roman stated she understood what the issue was and Mr. Jette's concern. She stated the Board might have been more specific by stating *for the purposes of the lot line adjustment*.

Member Lehmann was concerned with numbers 2) and 3) of the proposed definition of ***lot line*** “...2) a street right-of-way; or 3) the shoreline of a river...”. She stated the law says it is *to the middle of*. She was concerned because of not knowing how that would impact the Zoning Ordinance throughout.

Member Roman stated she thought it was appropriate the Planning Board not allow lot line adjustments based on the middle of a road or the middle of a river.

Chairman Buckley added that in his opinion there was equal concern about the possibility of voluntary mergers across the road.

Member Lehmann suggested not redefining lot line, but a different ordinance that would say property owners would not be able to merge because there was a road in the middle or a river or a stream, etc. Member Roman added that would just be targeting the merger and lot line adjustment areas.

Chairman Buckley stated when the Board gets to review the Subdivision Regulations, the Board would include a prohibition against center-of-the-road lot line adjustments and across-the-road voluntary mergers.

Alternate MacAllen asked the Board how was the right-of-way was measured with regards to Mr. Jette's property. Chairman Buckley stated that if Mr. Jette's property was typical of most lots in town, he had a metes and bounds survey that would define a property line as the edge of the right-of-way (ROW). Member Rauth asked how wide was the ROW. Selectman Fanjoy and Member Lehmann both stated 3 rods off the centerline of a 6 rod road.

Alternate Turcotte stated she shared the same concerns about the proposed warrant article that Members Lehmann and Roman had voiced. She asked, if the Board was intending to address this in the review of the Subdivision Regulations, why was the Board doing this now. Chairman Buckley stated the reasons were to prevent recurring requests for lot line adjustments where the lot line is in the center of the road; to prevent the future potential voluntary mergers on across the road lots; to make clear that for purposes of the ordinance the lot area is determined by the property up to but not past the edge of the ROW and the road frontage is measured along the edge of the ROW not along the centerline of the road. A discussion followed regarding the proposed deletion of the current definition of *property line* and the proposed new definition of *lot line*. Chairman Buckley stated the current definition of *property line* was very vague and did not address the issue of the lot line being along a ROW. He stated the current ordinance does not have a definition of *lot line*; how can the Board talk about *lot lines* and not know what they are, so a definition is needed. The Board continued discussion about the proposed definition amendments for *frontage* and *street*. Chairman Buckley pointed out both the current and proposed amended definition of *street* did not include private roads. Member Roman pointed out that the proposed *lot line* definition only related to streets and the proposed definition of *street* does not include private roads. Chairman Buckley then posed the question are there cases where lot lines are established by private roads – probably 'yes'. Member Roman stated the following reasons she felt the proposed warrant article #5 was not ready:

- 1) 'shoreline' is not definitive enough;
- 2) private roads are not included in the definition of *street*;
- 3) concern about future things being added to the Zoning Ordinance and something inappropriate is swept up by this.

Chairman Buckley stated the Board had three options:

- 1) approve as is or with non-substantive changes;
- 2) make substantive changes and try to squeeze in another public hearing; or
- 3) wait until next year.

Member Roman suggested working on the mergers and lot line adjustment sections in the Subdivision Regulations, which can be done anytime because those amendments are not required to go before Town Meeting. Member Lehmann agreed. A brief discussion followed. Member Lehmann made a motion to adopt the newly Proposed Warrant Article #5 as written. Alternate Turcotte asked the Board if they thought this would instigate issues that are not currently brought up. Member Roman stated she thought the Board had better look at it more. She thought *shoreline* was not workable as a definition. A brief discussion followed. Member Lehmann recommended to insert after *shoreline*, 'as defined by **RSA 483-B:4**'.

At this time Member Lehmann moved to amend her motion. Chairman Buckley asked if that would be a substantive change. Member Lehmann stated she thought it was a substantive change and Chairman Buckley agreed.

Chairman Buckley stated there was a motion on the table and which had been seconded to approve Proposed Warrant Article #5 as written. In favor was one vote – Chairman Buckley. The four remaining Planning Board members were not in favor. The vote was 4 to 1 not in favor. The newly Proposed Warrant Article #5 would not be on the 2014 Town Warrant.

Member Lehmann thanked Chairman Buckley for all his hard work.

8:00 pm: Chairman Buckley closed the public hearing.

At this time Mr. Jette thanked the Board for their volunteer work and for letting him voice his concerns.

Chairman Buckley suggested that someone volunteer to draft a rewrite of Proposed Warrant Article #5 for consideration at the next meeting. Member Roman suggested working on the Subdivision Regulations first because in her opinion the more immediate problem was to fix the lot line adjustment section of those regulations. A brief discussion ensued.

The next order of business was the continued review of Draft #4 of the proposed Driveway Regulations. The Board began review on page 6, paragraph **C** under **Section III-Requirements**. Review and discussion covered the definition of 'driveway plan' and the placement of that phrase in paragraph D and continued with compliance regulations numbered 1. through 6. per the Webster Fire Dept. and the State Fire Marshall's office in order for driveways to accommodate emergency vehicles. Discussion ended on page 7 resulting in the decision to combine numbers 7. and 8. regarding drainage and culverts.

The meeting was adjourned at 8:30 pm.

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

Posted January 22, 2014