

Approved Minutes
Webster Planning Board
Work Session for Subdivision Regulations Update
June 9, 2019

The work session started at 8:30 a.m. Attendees included Planning Board Chair Susan Rauth and members LynMarie Lehmann, Paul King, Craig Fournier and Alternate Kathy Bacon.

The minutes from the May 19th meeting were approved. Chair Rauth distributed copies of the Sub Div Regs with all current edits, dated 5/27/29. She thanked Kathy Bacon for her help in updating the copy. She stated the purpose of the meeting is to bring the Board up to date on her meeting with Matt Monahan, CNHRPC, and to discuss how to incorporate the sub div regs changes into the site plan review regs.

Chair Rauth met with Matt on May 24th to review with CNHRPC for technical assistance. Under the scope of work, Matt will:

- Review the updated sub div regs and check for completeness and internal consistency;
- Verify the internal consistency of the document and the conformity with the site plan review regs, the zoning ordinance and the Master Plan;
- Make recommendations for integrating conditional use permits for the proposed wetlands ordinance and general changes in regulations for administering the wetlands ordinance;
- Assist in updating the application, checklist and other associated forms and procedures for the subdivision regulations.

Chair Rauth reviewed specific sections with questions, including:

Section I-L – in regard to the phrase, “encouraging the installation of solar, wind, or other renewable energy systems,” Matt said the purpose is to allow a Town to develop regulations for a solar array. The Planning Board can add a section for review of solar arrays, including conditions of approval in 674:36-II(I) such as “orientation of streets, lots and building; establishment of maximum building height, minimum setback requirements, and limitations on type, height and placement of vegetation; and encouragement the use of solar skyspace easements under RSA 477.” He suggested guidelines for this regulation may be available under the state office of planning.’ The Planning Board agreed to add a section to the site plan review regs to provide the authority for reviewing and regulating a commercial solar array. They will also consider adding a section for erecting and removing a cell tower, for the same purpose.

Section I-M – in regard to Open Space, that section pertains to an innovative land use control such as cluster development, environmental characteristics zoning or village plan alternative subdivision. In other words, a Town cannot regulate Open Space without adopting it as an ordinance under 674:21, Innovative Land Use Controls. The Planning Board agreed to remove the Open Space section in the Sub Div Regs.

Section I-N –in regard to Conditional Use Permits (674:21-II), if Webster wants to include a conditional use permit in the wetland ordinance or other regulation, that is considered part of an innovative land use control and would be adopted as an ordinance. It would be like a waiver process procedure that would go to the Planning Board rather than to the ZBA for a waiver or special exception. The Board discussed the option of adopting conditional use permits for other processes. Chair Rauth will find examples from other towns.

Section III -in regard to Definitions, it is important to have consistent definitions in the subdivision regs, the site plan review regs and the zoning ordinance. Chair Rauth explained the previous issue with the definitions of “building” and “structure.” Matt suggested we look at how the definition is used in the regulations. He suggested a few meetings with a focus group to garner understanding would be helpful
Chair Rauth suggested the Planning Board takes up the issue of definitions at their next meeting.

Matt plans to complete his review in July or early August. In the meantime, the Planning Board will work on:

1. Consistency of the regs between the Sub Div Regs, the Site Plan Review Regs and the Zoning Ordinance;
2. Consistency of the definitions;
3. Suggested changes to the Zoning Ordinance for definitions or conditional use permits.

The Planning Board discussed the best method for incorporating the updated Sections 5-8 from the Sub Div Regs into the Site Plan Review regs. One option is to use the phrase, “adopt by reference.”. For example, “All stormwater management standards and provisions in Section 8.10 of the Webster Subdivision Regulations are adopted by reference into the Webster Site Plan Regulations.” These sections are pretty extensive so they could be included in both sets of regs. However, if you have the same language in both sets of regs then you need to be sure to update both sets of regs.

Member Lehmann noted that Section II, Procedures, of the site plan review regs states, “Site Plan Review shall be conducted in accordance with the procedural requirements contained in Subdivision Regulations, Section VI, for review of final plats, including the notice to abutters and a public hearing and in accordance with RSA 676:4 as amended.” The Planning Board agreed to follow this format for the Site Plan Review update by “adopting by reference” Sections V through VIII of the Subdivision Regs that pertain to the Site Plan Review regs. Any topics that pertain only to commercial development will be retained in the Site Plan Review regs. Chair Rauth will update the Sub Div Regs accordingly and provide a copy for review to the Board and to Matt Monahan.

The meeting was adjourned at 10:09 a.m.

Respectfully submitted,
Susan Rauth, Chair