

**TOWN OF WEBSTER
PLANNING BOARD
MEETING MINUTES AUGUST 18, 2011**

Present: Members Tom Mullins (Secretary), Jere Buckley, and selectman member George Hashem; alternates Richard Cummings, Sue Rauth, Sue Roman, Mason Donovan and Mark Lorden (arrived after meeting convened)

Acting on behalf of Chairman Clifford Broker, Mr. Mullins convened the meeting at 7:02 p.m. Mr. Mullins appointed alternates Richard Cummings and Sue Rauth to sit as voting members of the Board for this meeting due to the absences of Mr. Broker and Mr. Doucette.

The first item on the agenda was to review the minutes from the Planning Board meeting of July 21, 2011. The Board took a few minutes to read over the draft. Mr. Buckley noted that he was not listed as being present and he did attend that meeting. Mr. Donovan noted that in the last sentence of the first paragraph, he was referred to as Mr. Mason. There were no other changes suggested. Mr. Mullins made a motion to accept the minutes with the changes of adding Mr. Buckley as being present and to change Mr. Mason to Mr. Donovan. The motion was seconded by Mr. Hashem with the Board unanimously approving the July 21, 2011 minutes.

The next item on the agenda was Case No. 11-03 Lot Line Adjustment/Annexation Application. However, that presentation was not to start until 7:15 p.m. and the review of the minutes had only taken several minutes to decide upon. So, in the meantime, Mr. Buckley had questions regarding his own property that abuts Leila Moseley (This was not on the agenda). Mr. Buckley stated that Ms. Mosley has been gracious for many years letting Mr. Buckley use his hayfield that extends beyond their lot line. Mr. Buckley asked the Board if they would be in favor of approving a Lot Line Adjustment to revise the boundary line and a new survey of only the revised property line. Mr. Buckley stated he believed the Board had granted approvals like this in the past. He stated this discussion could be considered part of the conceptual proposal prior to the submission of the actual application. Mr. Buckley's request and ensuing discussion brought the meeting to the 7:15 p.m. time for the second item on the agenda. Nothing was decided by the Board this evening regarding Mr. Buckley's request.

Mr. Dennis McKenney, Land Surveyor introduced himself to the board as the agent for the applicants, David & Marlo Herrick and Mark & Juliana Phillips. Mr. McKenney proceeded to pass out copies of the plan to the Board. He then presented the plan for the Lot Line Adjustment and Annexation between the two applicants. The lot line between Map 4 Lot 9, owned by Mr. & Mrs. Herrick and Map 5 Lot 62, owned by Mr. & Mrs. Phillips would be adjusted in order to annex 28.8 acres from Map 4 lot 9 to Map 5 Lot

62. This adjustment and annexation will not create a new lot. Mr. Buckley and Mr. Cummings questioned Mr. McKenney regarding the notations of rebar boundary markers on the survey. The Town of Webster's Subdivision Regulations require granite monuments except where natural boundaries such as stone walls are present. Then drill holes are put in the stone wall and short pieces of rebar are set as boundary markers. Mr. McKenney stated that rebar is acceptable in other towns and is easier to find with a metal detector. Mr. Buckley reiterated that the Subdivision Rules and Regulations for the Town require granite monuments. The Board would like to have two granite monuments on the new lot line that would be in the open area and drill holes with short pieces of rebar at two sites on the stone wall boundary at L6 and L7 as noted on the plan. Mr. Buckley made a motion to approve the Lot Line Adjustment/Annexation as proposed with the following conditions; 1) construct stonewall drill holes with short pieces of rebar at L6 and L7; 2) install two granite monuments (4 inches by 4 inches by 36 inches long) at two points in the new property line in the open area as shown on the plan; 3) final approval subject to the Planning Board walking the bounds and lastly 4) submission of two Mylar copies of the plan; one for the Town and one for the Merrimack County Registry of Deeds. The motion was seconded by Mr. Cummings with the Board voting unanimously to approve the application with the above conditions.

The third item on the agenda was the proposal by Mr. Spangenberg, Field Supervisor for T.D.S. Telecom and agent for the property owner, Mr. George Little. Mr. Spangenberg had a proposal for the construction and installation of a D.S.L. Utility Cabinet on an easement to Mr. Little's property on Map 1 Lot 6 located at 373 Little Hill Road. Before the presentation started, Mr. Donovan had questioned whether or not abutters should be notified referring to R.S.A. 674:30. At this time, all members and alternates studied the verbiage of the R.S.A. from the New Hampshire Planning and Land Use Regulation 2010-2011 Edition. At first they agreed that the statute was correct and notice to abutters would be required. Mr. Spanenberg indicated that would not be a problem. This was a common procedure in other towns. The Boards would approve his proposal and he would notify the abutters rather than have the proposal continued. He has actually spoken to the abutters on Little Hill and they are happy about getting "The Internet" to their area. Mr. Spangenberg continued with his presentation to the Board which included a photo of a similar cabinet located in Webster at the intersection of Battle Street and Tyler Road. These constructions of utility cabinets have been approved by the Town in the past. The specifications for the new cabinet were all spelled out in his proposal. At this time, Mr. Emmett Bean, Road Agent for the Town of Webster, Town of Webster Volunteer Firefighter and member of the public, asked Mr. Spangenberg about plowing and keeping the area clear of snow, etc. How would that be handled? Mr. Bean stated that in the past he has spent hours digging out some of these utility cabinets. He questioned the location of the new cabinet and its accessibility. Mr. Spangenberg assured Mr. Bean that T.D.S would be able to get to the site with special trucks and equipment. After a brief discussion between Mr. Spangenberg and Mr. Bean, Mr. Donovan stated

that if he was an abutter, he would want to know about the construction and that he would not want to be able to see it from his home. Mr. Spangenberg said the location was secluded enough that it would not be seen behind a stone wall. In response to a question from Mr. Buckley, Mr. Spangenberg assured the Board that installation of the proposed utility cabinet would not require the creation of an opening in the existing roadside stone wall. After more discussion and review of R.S.A. 674:30, the Board realized that they did not have any authority regarding notification of abutters as the Town had not adopted the regulations pursuant to Paragraph II. Mr. Hashem made a motion to approve the proposal referring to the conditions of Paragraph I. of R.S.A. 674:30 which empowers the Planning Board to waive ordinance requirements if required to permit such facilities in the interest of public health, safety, and general welfare. The motion was seconded by Mr. Buckley with the Board voting unanimously in favor of accepting the proposal.

The fourth item on the agenda was the continuation of consideration of approval for the Phyllis Roby Revocable Trust Subdivision Application on Dustin Road, Map 7 Lot 60. Mr. Siciliano, Land Surveyor and agent for the property owner addressed the Board regarding the site visit that took place on August 11, 2011. Present at the site visit were Mr. Siciliano, Mr. Adler, the Town's engineer from DuBois & King, Mr. Mullins, Mr. Bean and Mr. Cummings. Mr. Siciliano stated the meeting went well and he came away with two conditions that were agreed upon by all; 1) change the culvert size from 12 inches in diameter to 15 inches, and 2) add detail on the plan for a cross-section of the ditching along the road. Mr. Mullins asked to call for a motion to approve the application contingent upon meeting the Life/Safety Code requirements as presented at the July 21, 2011 Planning Board meeting by Adam Pouliot, Fire Life/Safety Code Officer for the Town, by constructing a fire pond with a dry hydrant or an approved cistern. Before a motion was made, Mr. Siciliano asked if he could discuss a letter he received from Mr. Pouliot (Mr. Pouliot was not in attendance at this meeting). A copy of the letter is attached to these minutes. Mr. Mullins stated that the Board has no authority over the Office of the State Fire Marshall's rules and regulations. Mr. Siciliano would have to take his concerns directly to the Fire Marshall and follow that office's protocol; this issue was not a Planning Board matter. Mr. Siciliano continued to ask if he could just give the Board some data to back up the use of sprinklers and address Mr. Pouliot's letter. The Board acquiesced and allowed him to continue. Mr. Siciliano proceeded to list a number of towns in New Hampshire that "allow" sprinkler systems in residential homes and he cited the new legislation, HB 109 which amended R.S.A. 674:36 that became effective July 1, 2011 regarding the authority of Planning Boards relative to residential fire sprinklers. Mr. Siciliano believes that Mr. Pouliot has interpreted the statute incorrectly. It states that, "The Planning Board shall not require, or adopt any regulation requiring, the installation of a fire suppression sprinkler system in proposed one- or 2-family residences as a condition of approval for a local permit." It does not state that planning boards cannot accept sprinklers. At this time, Ms. Rauth asked Mr. Siciliano to repeat the

data about the towns to add to her notes. He also stated that sprinkler systems put out fires and save lives. Cisterns and fire ponds are a cost to the town and may only save foundations of homes by the time the Fire Department could arrive to pump the water. Mr. Siciliano stated he had spoken with Mr. Degnan, State Fire Marshall. Per Mr. Siciliano, Mr. Degnan was in agreement about the benefits of sprinkler systems. At this time, Mr. Bean addressed the Board in support of Mr. Siciliano's statements. He made the point that he had been fighting fires for 35 years and Mr. Siciliano was right that in most cases cisterns and ponds do not save the structures. Timing of the response of the Fire Department is critical. Mr. Siciliano understands that sprinklers are not in the State Fire Code; however, he believes the Planning Board does have authority over Fire Life/Safety Codes for the Town and that the Fire Marshall's Office and the requirements are advisory. Mr. Mullins stated that the Fire Code has to be abided by. Further discussion resulted in Mr. Siciliano asking the Board to do some research regarding this issue. Mr. Mullins stated they would certainly be able to look into it. Mr. Mullins asked for a motion to continue this until the next Planning Board meeting of September 15, 2011 and to be sure Mr. Pouliot will be in attendance. Mr. Siciliano asked if the Board could hold a special meeting in fifteen days rather than 30 days as this has been going on for several months. Mr. Mullins stated the Board was not going to schedule an extra meeting as all members have busy schedules. Mr. Cummings made a motion to table this consideration of approval until next month. The motion was seconded by Mr. Buckley with the Board unanimously approving the motion.

At 8:12 p.m. Mr. Cummings made a motion to adjourn the meeting. The motion was seconded by Mr. Mullins with the Board voting unanimously to adjourn for the evening.

Approved by vote of the Webster Planning Board September 15, 2011.

Attest,

Thomas S. Mullins, Secretary