

DRAFT
TOWN OF WEBSTER
PLANNING BOARD
MEETING MINUTES APRIL 17, 2014

At 7:00 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, Member Sue Rauth and Alternate Rick Cummings. Alternate Cummings 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 from the March 20, 2014 meeting. Chairman Buckley suggested a change on page 3, the last sentence of the second to last paragraph; "...Members Rauth and Lehmann volunteered to work on improving the withdrawn Amendment #5." ; to "...improving the withdrawn amendment regarding a lot line and other definitions." Member Roman made a motion to approve the minutes as amended; seconded by Member Rauth and unanimously approved as amended.

The next order of business was the election of officers. Member Roman nominated Member Rauth to be Planning Board Chairman. Member Roman stated that Member Rauth had been serving on the Planning Board for many years and was eminently qualified and that she will do a great job as Chairman; seconded by Acting Member Cummings and unanimously approved. Member Roman thanked newly elected Chairman Rauth for serving. Member Rauth thanked outgoing Chairman Buckley for everything he had done the past 14 years serving as Secretary and Chairman of the Planning Board. Member Roman was in total agreement with Member Rauth. Member Rauth nominated Member Roman to continue as Vice Chairman. At this time Member Roman asked Acting Member Cummings if he would like to be Vice Chairman – he declined. Member Rauth's nomination was then seconded by Acting Member Cummings. Member Roman was unanimously approved to remain as Vice Chairman. Chairman Buckley stated that he valued the fact that Acting Member Cummings had brought a perspective to the Board that none of the other members have and that he has knowledge of the history of the Town that none of the other members can match. Acting Member Cummings thanked the Board for their praise. He then suggested the Board make it mandatory for Planning Board members to view sites before meetings regarding site plan reviews and subdivisions by adding that requirement to their Rules of Procedures. The Board was in total agreement.

The next order of business was Members Rauth's and Roman's report on their approach to the Select Board regarding COPART. Member Roman stated they presented their argument at the Select Board meeting held on March 31st that the junkyard license statute (*RSA 236:124 Effect of Local Ordinances*) says there is no derogation of town ordinances by virtue of the license, and if there is a conflict town ordinances should control. In addition, Member Roman stated that in the Site Plan Review Regulations once a commercial exception is granted then a site plan review shall follow. Member Roman stated NHMA Attorney Paul Sanderson's opinion was there could be no estoppel of the Planning Board's right to do a site plan review; in fact it was prudent to have a recorded baseline of what the business is now so that later on when or if there is expansion the Town has evidence to compare to. A brief discussion followed regarding how COPART had increased the size of the junkyard and possible setback issues. Member Roman stated that a site plan review would not eliminate COPART's use; use was established by estoppel or by waiver. The Planning Board would be saying COPART would have to operate within whatever the site plan legally allows. Chairman Buckley stated the Board had no constraints on setbacks on

anything except buildings so COPART could park 1,000 cars up against the wire fence and the Board cannot do anything about it unless one wants to argue that a car is a building. Member Rauth stated the Selectmen agreed to write a letter to ask COPART to come in to discuss this. Member Roman stated the Selectmen were in favor of it but had not taken a vote yet due to the pending appeal. That deadline of April 17th has passed without any motions filed. Member Roman stated if the Selectmen do not proceed on this at the next Select Board meeting (April 28th) then she would like to go before them again.

The next order of business was Members Rauth's and Lehmann's report on efforts to improve the withdrawn 'Lot Line' amendment. Member Rauth described her and Member Lehmann's efforts to work with definitions and reference lines from the Shoreland Protection Act in composing the wording of this amendment. During the discussion, Member Rauth referred to a handout that had been distributed earlier. Member Rauth added that Member Lehmann wanted to do more research on the right-of-way in the middle of the road issue. After a brief discussion, Member Roman suggested researching how other towns deal with the definition of 'lot line' and to further study the *RSA 483-B Shoreland Water Quality Protection Act*. Discussion ensued regarding properties in Town split by roads/right-of-ways. The Board took a few minutes to look at the Town's tax maps. Chairman Buckley stated the Board had now raised additional questions that require additional research.

The next order of business was review of any feedback received regarding rejected Amendment #4. Since the last meeting on March 20th and the article in the *Grapevine*, there has not been any feedback from residents. Chairman Buckley stated that Acting Member Cummings brought to his attention that apparently there is a widespread mistaken impression the current setback is 25 feet so it was perceived by the residents that Amendment #4 was increasing the setback from 25 feet to 40 feet rather than the stated reduction of 50 feet to 40 feet. It is believed the mistaken impression is due to the *Zoning Ordinance* allowing setbacks to be 25 feet by special exception.

The next order of business was discussion of document update plans and possible Central New Hampshire Regional Planning Commission (CNHRPC) support. Member Roman suggested the Board do the *Subdivision Regulations* next and get input from CNHRPC. Chairman Buckley contacted Michael Tardiff, Executive Director of CNHRPC. Mr. Tardiff and his associate, Matt Monahan, will attend the next Planning Board meeting on May 15th at 7:15 p.m. Chairman Buckley explained to the Board that he tried to give Mr. Tardiff an overall description of his perception of the problem; the Board is trying to get out of the 'patchwork' fix technique in order to get the Planning Board documents into coherent good shape, but the Board has been extremely frustrated in their inability to do it. Chairman Buckley stated Mr. Tardiff told him Webster's problems were not unusual – same as other towns – and that CNHRPC would be able to help.

The next order of business was the continued review of Draft #4 of the proposed *Driveway Regulations* amendments. The Board began review where they had left off at #9, on page 7. They completed their review for the evening at **IV-B** on page 10.

At 9:00 pm Member Roman made a motion to adjourn; seconded by Acting Member Cummings and Member Rauth and approved unanimously.

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

Posted April 22, 2014