

**DRAFT
TOWN OF WEBSTER
PLANNING BOARD
MEETING MINUTES MARCH 17, 2016**

At 7:00 p.m. Chairperson Susan Rauth opened the regularly scheduled Planning Board meeting and took attendance. Members present were Jere Buckley, Susan Roman and Lynmarie Lehmann (arrived a few minutes after the meeting was called to order), the newly appointed Selectwoman, Nanci Schofield replacing Roger Becker who resigned; Alternates present were Patricia Ilacqua and Paul King. Also in attendance were Mr. & Mrs. Howard Brower, property owners of vacant lots 12-1 and 12-3 on Frost Lane, a private road, and Mr. DiBernardo, N.H. Licensed Land Surveyor working for Mr. & Mrs. Brower.

By consensus, the Board deferred review of the draft minutes of January 21, 2016 and February 18, 2016 in order to address agenda item #5 re: Conceptual presentation for a proposed lot line adjustment/annexation involving lots 12-1 and 12-3 on Frost Lane, a private road not accepted by the Town. Chairperson Rauth introduced Mr. DiBernardo, N.H. Licensed Land Surveyor, and his clients, the property owners, Mr. & Mrs. Howard Brower. Mr. DiBernardo presented several plats to the Board for their review. A lengthy and in depth discussion ensued. The Board clarified that private roads were not under their jurisdiction regarding if lots on private roads were buildable or not. Member Roman told the Browsers they would need to seek advice regarding the buildability question. She referred the Browsers to read ***RSA 674:41. Erection of Buildings on Streets; Appeals.*** The Board agreed the Browsers could apply for a lot line adjustment and use the plats that were shown this evening. Member Buckley stated that the plats would need to show which line was abandoned and which line was new. Member Buckley stated that as far as the lot line adjustment was concerned, the Board did not see a problem; the buildability issue was a separate issue not under the Board's purview. The Board thanked Mr. & Mrs. Brower and Mr. DiBernardo for coming and they in turn thanked the Board for their time.

The next order of business was review of the minutes from January 21, 2016 and February 18, 2016. Member Buckley made a motion to accept the minutes of the January 21, 2016 meeting approved as written; seconded by Member Roman and approved with one abstention-Member Lehmann was not in attendance at that meeting. Member Lehmann made a motion to approve as written the minutes from February 18, 2016; seconded by Member Buckley and approved unanimously.

The next order of business was the continued deliberation on the site plan application from Copart, Inc. Chairperson Rauth stated that since the last Planning Board meeting, the Board sent a letter on February 26, 2016 to Copart acknowledging Copart's agreement to test the water from the dug well on the site and have the results by April 1st. In the letter the Board asked them when they intended to commence with the installation of the groundwater monitoring wells and the groundwater testing. Chairperson Rauth stated Copart had not responded. The letter was sent to Mr. Stryker and Barbara Boudreau, Esq. Chairperson Rauth informed the Board that she did receive an e-mail that Barbara Boudreau was no longer employed with Copart and that Copart had assigned another lawyer, Randy Racine. Chairperson Rauth sent along the information to Mr. Racine. The deadline of April 1st for the testing results has not passed yet. Member Lehmann made a motion to table the issue until the next Planning Board meeting of April 21, 2016 at 7:00 pm at the Webster Town Hall; seconded by Member Roman and approved unanimously.

The next order of business was continued review of the Subdivision Regulations. Chairperson Rauth suggested setting up a work session. Alternate Member Ilacqua will e-mail the Board members the most recent version. After a brief discussion, the Board agreed to conduct a work session on Sunday, April 24, 2016 at 1:00 pm in the Select Board's conference room at the Webster Town Hall.

The next order of business was the review of four notices of voluntary mergers. Member Lehmann made a motion to accept the merger of 10-5-38 into 10-5-39; seconded by Member Buckley and approved unanimously. Member Lehmann made a motion to accept the mergers of 10-4-52 and 10-4-53 into 10-4-54; seconded by Member Roman and approved unanimously. Member Lehmann made a motion to accept the merger of 10-5-168 into 10-5-169; seconded by Member Buckley and approved unanimously. Member Lehmann made a motion to accept the merger of 10-1-72 and 10-1-70 into 10-1-74; seconded by Member Buckley and approved unanimously.

The next order of business was new business. Chairperson Rauth and the Board discussed a letter from Mike and Nanci Schofield that was e-mailed to the Planning Board and the Select Board regarding construction access to lot 10-1-117AB on Brookfield Circle, a private road and a "paper road", which abuts the Schofields. At this time Selectwoman Schofield recused herself from the Planning Board and Select Board and sat in the audience in order to address her concerns as a resident of Brookfield Circle in the Pillsbury Lake District of the Town of Webster. After reading part of the letter which questioned building on a private road; petitioning the Town to bring the private road up to a Class V and regulations for life safety and driveways, a brief discussion followed.

Chairperson Rauth stated that the Select Board has indicated it wants to meet with the Planning Board to talk in general about private roads and the public safety policies that would impact private roads along with discussion of the RSA's 674:40 and 674:41 that pertain to private roads and building on private roads. Member Buckley stated that the Board needs to keep in mind that the access road or private road or driveway, whatever one wants to call it, is one issue and the buildability is a separate issue. The Board agreed. Member Lehmann added that another issue is accessing a lot, which falls outside the purview of a driveway or building on that lot. After a brief discussion, Chairperson Rauth stated she felt it would be beneficial for the Board to talk with the Select Board and the Zoning Board so everyone can become more familiar with RSA 674:40 and 674:41. The Board agreed to meet with the Select Board and the Zoning Board at the April 11th Select Board meeting at 7:30 pm.

Chairperson Rauth asked for opinions about responding to the Schofields' letter. Member Roman stated that one response would be that the Planning Board does not have jurisdiction over building at this point. A question the Schofields' raised was about having the paper road, Brookfield Circle be accepted by the town and constructed to a Class V. Again, this is not under the Planning Board's jurisdiction. Chairperson Rauth stated another question raised by the Schofields' had to do with regulations pertaining to the passage of life safety vehicles on the driveway. Member Lehmann asked, "What driveway?" There is no driveway; there has not been an application. Member Lehmann reiterated the Board does not have jurisdiction on a private road. She added that any landowner has the ability to get to their plot of land. If an abutter does not like what that person is doing, then the abutter can get an injunction to stop them; it is a civil matter; it has nothing to do with the Planning Board. After a brief discussion, Member Roman stated she felt the whole issue about a private road and how it gets developed is a good thing for the Select Board to do by ordinance if it is in an existing subdivision; if it is in a new subdivision, then the Planning Board can talk about how to do that.

Getting back to the Schofields' letter, Member Roman stated that they certainly have the right to write a letter to the Board and express viewpoints, but because there is no application before the Board, no action can be taken. She stated a request for Board action has to be within its jurisdiction and fit within the application procedures. Ms. Schofield indicated that she understood and thanked the Board for their input.

8:59 pm Member Lehmann made a motion to adjourn; seconded by Member Roman and approved unanimously.

Posted March 23, 2016