

**TOWN OF WEBSTER  
PLANNING BOARD  
MEETING MINUTES MAY 19, 2016**

At 7:00 pm Chairperson Rauth opened the regularly scheduled Planning Board meeting and took attendance; members present were Sue Roman, Jere Buckley and Selectperson Nancy Schofield (arrived at 7:10 pm); alternate members present were Patricia Ilacqua and Paul King. Patricia Ilacqua was appointed by Chairperson Rauth to serve as a voting member due to the absence of member Lynmarie Lehmann. Also present were Mr. DiBernardo, Licensed Land Surveyor and agent for property owner/applicant for a lot line adjustment on Frost Lane, Howard Brower; Mr. Erwin Smith and Mr. Joshua Taylor property owners/applicants for a lot line adjustment on Battle Street, and Mr. Ronald Frost, abutter, with regards to the Brower lot line adjustment on Frost Lane; Ms. Kim Fortune, resident.

Due to the full agenda, the Planning Board agreed to review the two sets of draft minutes after the two lot line adjustment reviews.

Chairperson Rauth invited Mr. DiBernardo to make his presentation for lot line adjustment application #16-01. Mr. DiBernardo reminded the Board that he and the property owner, Howard Brower, presented a conceptual for the lot line adjustment at the March 17<sup>th</sup> Planning Board meeting. Mr. DiBernardo reviewed the application and the plot plan with the Board members. The Board recognized Mr. Ron Frost, abutter. Mr. Frost discussed RSA 674:41; I (e), regarding building on a private road. Following a brief discussion, Member Roman made a motion to approve the lot line adjustment application #16-01 submitted by Mr. Howard Brower; seconded by Member Buckley and approved unanimously.

The next order of business was lot line adjustment application #16-02 from Mr. Joshua Taylor and Mr. Erwin Smith involving parcels on Battle Street. Chairperson Rauth invited both gentlemen to make their presentation to the Board. There were no abutters present for this application. After a brief discussion, Member Roman made a motion to approve lot line adjustment #16-02; seconded by Member Buckley and approved unanimously.

The next order of business was review of the two sets of draft minutes from April 21, 2016 and the work session of April 24, 2016. Member Buckley made a motion to approve the April 21<sup>st</sup> minutes as written; seconded by Member Roman and approved unanimously. Member Buckley made a motion to approve the work session minutes of April 24<sup>th</sup> as written; seconded by Member Roman and approved unanimously.

The next order of business was the continued deliberation and review of the Copart site plan application. Chairperson Rauth asked if the members had a chance to review the information about the dug well test results sent on May 10<sup>th</sup> from Copart's attorney Randy Racine. Test results were within normal limits and because of those results, Copart did not believe additional monitoring wells were necessary. During the discussion, Selectperson Schofield inquired of the Board if Copart had made any indication about moving their site of business. She stated that at one of the Select Board meetings a resident had observed cars being removed, but not going in. Member Roman stated that anecdotal evidence was all that was being communicated nothing definitive from Copart. She stated it would be meaningful to at least inquire whether there will be a significant decrease in usage at the site. She added that she was not inclined to waive the monitoring wells requirement just based on one test. Acting Member Ilacqua suggested sending these results to Sanborn Head Associates to get their opinion. The Board concurred that was a good idea. Member Roman suggested the Board write a response letter to Copart stating the Board would like to consider a few things in order to try and make a final decision about the site plan review: 1) will usage of the site decrease by a significant amount and/or does Copart intend to stop using the site; 2) Board would like to consult Sanborn Head Associates to assess the statements of *Partner Engineering and Science, Inc.* so the Board has a

professional opinion on whether the test Copart believes to be sufficient is sufficient. Member Buckley stated the Board had the right to do that and at their (Copart's) expense. Member Roman stated the Board would need another extension in order for this to be accomplished. The current extension runs until July 1, 2016. The Board agreed to ask for an extension to October 1, 2016. The Board concurred. Chairperson Rauth will draft the letter. Member Roman volunteered to review the letter. A brief discussion followed.

The next order of business was the follow-up discussion about private roads and Town jurisdiction over private roads including Brookfield Circle. At this time Selectperson Schofield recused herself from the Planning Board and sat in the audience as a resident of Brookfield Circle. Chairperson Rauth phoned Selectman Alternate Mike Borek as he wanted to be involved in this agenda item. Chairperson Rauth stated that at the last Planning Board meeting the Board had talked about the need to write a letter to the Town's legal counsel with a number of questions about private roads. Member Lehmann was working on the letter but because of her work priorities she was not able to complete it. Chairperson Rauth stated she would try to contact Member Lehmann on May 20<sup>th</sup> and find out the status. Selectman Borek inquired about the status of what the Brookfield Circle property owner was doing to get an access way to his lot. Member Buckley stated it was his understanding that the property owner was building on the "paper street" without much attention to any reasonable requirements, i.e., burying logs and stumps. Selectman Borek stated there was not much the Town could do because it is a private road. Member Buckley stated it always comes back to the fundamental question which is part of what the Board will be asking Town counsel; does the Board have the authority to control or regulate driveways in circumstances like that. Member Roman reiterated that the Select Board had written two letters stating it is a private road and they have no jurisdiction; advice from NHMA was that it was a private road and the Planning Board had jurisdiction over the intersection of the private road with a town road, but no jurisdiction over the interior. She stated the Board wants confirmation and/or further clarification from Town counsel in addition there is a potential issue of an implied acceptance and subsequent abandonment making it possibly a Class VI road. But, right now, the legal advice is that it is a private road and the Board does not have jurisdiction. Member Roman added that it is not a driveway, but a road that serves multiple lots which means every abutter has an interest. A brief discussion followed. At this time, resident Nanci Schofield inquired as to whether or not the Pillsbury Lake District might own the roads. Member Roman stated that she was not sure but she did not think water districts could own roads. Member Roman suggested Mrs. Schofield could research that. Chairperson Rauth stated this discussion will be continued until the next Board meeting on June 16<sup>th</sup>.

The next order of business was continued review of the Subdivision Regulations. Acting Member Ilacqua informed the Board she had not brought her laptop which had the up to date revisions. Chairperson Rauth stated that at the Board's last subdivision regulation meeting, Member Buckley handed out a revised section 7 for plat requirements. She asked that the members review it before the next Planning Board meeting of June 16<sup>th</sup>. Member Buckley clarified with Acting Member Ilacqua that the most current document was the April 21, 2016 version. A brief discussion followed.

The next order of business was new business. At this time Chairperson Rauth recognized resident Kim Fortune. She asked the Board about the status of the Master Plan. Mrs. Fortune stated that in Chapter 3 of the 2005 Master Plan there was a significant amount of support for Historic Resources. She was inquiring as to where that stands today in regards to an updated Master Plan. Specifically, Mrs. Fortune is a member of the Society for the Preservation of the Old Meeting House of the Town of Webster. She asked the Board if they would be able to show their support in order to apply for an LCHIP grant for updates to the 225 year old structure. She informed the Board that Webster's Old Meeting House is the oldest in Merrimack County and is nationally recognized. Chairperson Rauth stated the Board does have the intention to work on the Master Plan this year. She stated that the Board would certainly welcome the Society's input for the historical chapter. Mrs. Fortune stated the grant application does ask about the kind of support given by the town. Member Roman offered to look at the application and write a letter of support on

behalf of the Board as long as it was within the purview of the Planning Board. Mrs. Fortune added that the Preservation Alliance will be doing a complete structural survey. Chairperson Rauth suggested Mrs. Fortune contact the Currier and Ives Scenic Byway Commission for their recommendation also. After a brief discussion, Member Roman requested that Mrs. Fortune be put on the agenda for the next Planning Board meeting on June 16<sup>th</sup>.

At 8:16 pm Member Roman made a motion to adjourn; seconded by Member Buckley and approved unanimously.

These draft minutes were prepared by Therese E. Larson, Land Use Coordinator.