

**TOWN OF WEBSTER
PLANNING BOARD
MEETING MINUTES JUNE 16, 2016**

At 7:00 pm Chairperson Rauth opened the regularly scheduled Planning Board meeting and took attendance; members present were Sue Roman and Jere Buckley; 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 was Mrs. Kim Fortune, resident and member of the Society for the Preservation of Webster's Old Meeting House.

The first order of business was review of the draft minutes from the May 19, 2016 meeting. Member Roman sited three changes to the minutes: 1) page 1, sixth paragraph, insert the word 'and' into sentence "...Member Roman stated that anecdotal evidence was all that was being communicated *and* nothing definitive from Copart."; 2) amend the very next sentence to read, "...She added that she was not inclined to waive the monitoring wells requirement *based on the test of one well site*."; 3) page 2, first full paragraph, second to last sentence, replace the word 'water' with 'village': "...Member Roman stated that she was not sure but she did not think *village* districts could own roads." As there were no other amendments to be made, Member Buckley made a motion to approve as written, the May 19, 2016 minutes, except for the three changes proposed by Member Roman; seconded by Member Roman and approved unanimously.

Due to the full agenda and not wanting to make Mrs. Fortune wait, Chairperson Rauth invited her to speak to the Board. Mrs. Fortune gave an update to the Board regarding the Society's pursuit of grants and support for the preservation of the Old Meeting House. At the May 19th Planning Board meeting, discussion revolved around the Planning Board perhaps writing a letter of support to be submitted with the LCHIP grant application. After a brief discussion, Member Roman suggested to the Board that in lieu of a letter, the Board pass a general resolution and Mrs. Fortune could include the Planning Board minutes in the grant. Mrs. Fortune was in agreement. Member Roman stated:

"This is a general resolution in support of the Old Meeting House Committee in their efforts to preserve the Old Meeting House in accordance with a report to be issued by the Preservation Alliance and any grant applications in furtherance of that goal to LCHIP. In connection with our authority to promote development in the Town, and activity in accordance with the Master Plan, we find this to be in accordance with the Master Plan. And we support the activities of this committee, the Society for the Preservation of Webster's Old Meeting House, in its efforts in conjunction with the New Hampshire Preservation Alliance to pursue restoration and preservation of the Webster Old Meeting House and its application to organizations for funding thereof."

Member Roman made a motion that the Planning Board adopt that resolution and that it would be okay for the Society to take that resolution in support of its applications and to the Select Board to garner their support; seconded by Member Buckley and Chairperson Rauth; approved unanimously. Mrs. Fortune was very pleased and thanked the Board. The Board also thanked Mrs. Fortune.

The next order of business was the continued deliberation of case #14-02, the site plan application for Copart. Chairperson Rauth updated the Board. On June 3rd the Board sent a letter to Copart asking if they would contract with Sanborn Head to assess validity of tests done for Copart by Partner Engineering and Science from the overburdened well. Copart agreed to the additional funds for Sanborn Head's review. Sanborn Head estimated the cost to be \$1,300.00.

Chairperson Rauth reviewed Sanborn Head's proposal with the Board. In the letter Copart also indicated their business had decreased at the site but they were unsure as to how long that would continue. And Copart granted the Board's request for an extension of the site plan review to October 1, 2016. After a brief discussion, Member Roman made a motion that, provided that the terms and conditions of Sanborn Head's proposal are as stated which were the same as those in the April 29, 2015 contract, and if Copart does escrow the cost of the project quoted at \$1,300.00 and that Copart has agreed that they would be responsible for the total charge, then we authorize Chairperson Rauth to enter into the contract with Sanborn Head on behalf of the Planning Board and execute the contract with Sanborn Head in the proposal of June 15, 2016; seconded by Acting Member Ilacqua and approved unanimously.

Member Buckley made a motion to continue the deliberation of the Copart site plan review application until the next Planning Board meeting of July 21, 2016 at 7:00 pm at the Webster Town Hall; seconded by Member Roman and approved unanimously.

The next order of business was a follow-up discussion about private roads and town jurisdiction over private roads including Brookfield Circle. The Board reviewed the response letter from Town counsel, regarding the Board's letter of May 25, 2016. Chairperson Rauth stated Town counsel proceeded in his letter from the point of view that Brookfield Circle was a private road. Member Buckley stated Town counsel made a reasonably compelling argument to that point. After a lengthy and in depth discussion, the Board agreed they needed more specific answers to some of their questions they had posed to Town counsel. Chairperson Rauth made a motion for the Board to respond to Town counsel's May 31st letter specifically to say in the case of Brookfield Circle, explaining to Town counsel the situation that there is someone coming through on an implied easement on a private road, i.e., there is no building there, there is no building application, what is the Town's authority through the Planning Board to regulate further development of the interior of Brookfield Circle? And is the Town permitted to regulate minimum life safety specifications on all roads, private and public? How would this change if there was a house on the lot? Chairperson Rauth suggested that if Town counsel does not provide a clear answer on Brookfield Circle, then the Board would look to speak with another attorney, presumably C. Christine Fillmore, who did the 2015 update of **A Hard Road to Travel**; seconded by Member Buckley; approved – 3 yes; Member Roman – no.

Chairperson Rauth then brought up the subject of driveways in Town being paved without driveway permit applications being submitted. Member Buckley stated that the Driveway Regulations are very specific, that if one wants to pave an unpaved driveway one needs a permit. Chairperson Rauth suggested putting an article in The Grapevine. Member Buckley volunteered to write an article, which he will bring to the Board for their review at the next Planning Board meeting.

Chairperson Rauth then offered to draft their letter to Town counsel.

The next order of business was review of a *Notice of Voluntary Merger* from Sandu and Marijane Rebenciuc, 33 New Hampshire Drive to merge lots 10-4-76 and 10-4-75. After confirming that the lots abutted each other by looking at the Tax Map, by consensus the Board approved the voluntary merger which Chairperson Rauth signed on behalf of the Board.

9:25 p.m. Member Buckley made a motion to adjourn; seconded by Member Roman and approved unanimously.

These minutes were approved as written at the Planning Board meeting of July 21, 2016.

Susan Rauth, Chairperson