

**TOWN OF WEBSTER
PLANNING BOARD
MEETING MINUTES JULY 21, 2016**

At 7:00 pm Chairperson Rauth opened the regularly scheduled Planning Board meeting and took attendance; members present were Selectperson Nanci Schofield, Jere Buckley and Lynmarie Lehmann; alternate members present were Patricia Ilacqua and Paul King. Chairperson Rauth appointed alternate member Ilacqua as a voting member due to Member Roman's absence. Also in attendance were Ms. Erin Darrow, P.E., President of Right Angle Engineering, PLLC, and visitors: Greg Roberts, Linda Clark, Lynn Cusack, Bob Gould, Road Agent Bean, Sue Roberts, Les Silver, Leslie Palmer, Sally Embley, Nancy Van Loan and Mary Jo MacGowan.

The first order of business was a public hearing pursuant to RSA 231:158 *Effect of Designation as Scenic Roads*. Chairperson Rauth stated the purpose for the hearing was to discuss and hear public comment relative to the engineering project that has been designed and planned for Bashan Hollow Road, a scenic road. Chairperson Rauth recused herself from the public hearing due to the fact that she lives on Bashan Hollow Road. She then appointed Member Lynmarie Lehmann to conduct the public hearing in her place.

7:03 p.m.: Member Lehmann officially opened the public hearing for Planning Board case #16-03 pursuant to RSA 231:158 as Chairperson Rauth had indicated as above. She stated the Board would be taking public comment relative to the project. Member Lehmann stated that per RSA 231:158 public notices were published twice in newspapers of general circulation, at Town Hall and on the Town's website, all done in a timely manner. Member Lehmann introduced Erin Darrow, the engineer, working on the project. She also pointed out that a portion of the property involved had a conservation easement on the land and asked that Ms. Darrow speak a little bit about that. At this time Member Lehmann asked Ms. Darrow to describe the project and what will be altered.

Ms. Darrow stated the purpose of the project was to reconstruct a portion of Bashan Hollow Road approximately 261 linear feet. She stated the purpose was twofold: 1) the culvert that exists is in severe deteriorated condition so it is in need of replacement; 2) and while the Road Agent was looking at replacing the culvert, he had become aware that Bashan Hollow becomes so narrow it cannot accommodate two-way traffic and has very poor sight distance. Ms. Darrow stated these plans have resulted after looking at various options over the last year and a half. She stated they will not be actually moving the road but they are going to widen the travel width to be consistent with the road on either side of the area of concern and cut back the existing embankment that exists along that curve, all to be done on the north side of the road. Ms. Darrow stated they will be implementing storm water treatment for the runoff in that area which does not currently exist. In order to do that, vegetation and what looks to be a stone wall will have to be removed. She stated she and her surveyor researched the road and nothing in the history coincides with that stone wall.

Ms. Darrow then discussed the conservation easement held by Society for the Protection of NH Forests (SPNHF) on Mr. Tom Smith's property. Both SPNHF and Mr. Smith have given their permission to the Town to proceed with this project. She stated that after working with SPNHF over the past several months they came up with a plan to provide impacts within the area of the conservation easement that will be consistent with the allowed uses within the conservation easement. Part of the plan is to build two rain gardens that will discharge storm water runoff into the wetland area.

Member Lehmann inquired as to how much widening was going to be done. Ms. Darrow stated that at the narrow points of the road it is 14 to 15 feet. The road, typically, is approximately 18 feet, enough for two-way traffic.

After a brief discussion, Ms. Darrow stated the benefits of the project will be threefold: 1) improvement of the

ecology; 2) help to protect the wetland and water resources and 3) help protect public safety. Ms. Darrow pointed out that this project was a specific warrant article at Town Meeting this year and the townspeople approved it.

Member Lehmann then asked Ms. Darrow to address the “rain garden”. Ms. Darrow stated it is different from a retention pond. It can be referred to as a bio-retention area. It is not actually a pond. Gravel acts as filtration along with the vegetation that is put into the rain garden which treats the water before discharging into the wetland. Ms. Darrow said this particular area would be a perfect location for rain gardens because the approximate depth of the water table is equal to the wetland and it is a gravel pit area.

Member Lehmann asked if there were any comments or questions from the Board. Member Buckley on behalf of Member Roman, who could not attend this meeting, reported her concern about the proposed removal of the stone wall. Member Buckley stated he had looked at the stone wall. He stated that it was not visible from the road. He it was more like a rubble pile than a wall. Ms. Darrow stated it might be from past logging operations. Ms. Darrow presented pictures of the stone wall to the Board; 7th picture from the top of the poster board and the very last picture when looking from left to right.

7:20 p.m.: Member Lehmann opened the public hearing up for public comment.

Greg Roberts asked about the maintenance of the rain garden. Ms. Darrow stated it would need to be mowed at the end of the season or in the spring and visually inspected for sediment, and approximately every two years remove any visible accumulated sediment. Mr. Roberts asked about additional permitting for the maintenance of the rain garden. Ms. Darrow stated there was no additional permitting required.

Nancy Van Loan asked who would put in the rain garden; who would be responsible? Ms. Darrow stated that the Road Agent, Emmett Bean, would be constructing it. She stated the maintenance would be based on inspection; it may be better off leaving it alone for a few years.

Member Lehmann asked Ms. Darrow if anyone asked about having an easement on top of that easement; an easement to the Town to come in and maintain the rain garden on top of the Mr. Smith’s conservation easement. Ms. Darrow stated if need be, they could move the rain garden outside of the easement and put it with in the Town’s side of the Bashan Hollow right of way.

Bob Gould asked what would be the total widening impact of the road and would the south edge of the road be changed. Ms. Darrow stated the existing travel surface is 15 fifteen feet and proposed conditions will be 18 feet with 2 foot shoulders. A brief discussion ensued regarding the steepness of the slope in that area and the trees that are right on the edge of the road. Discussions ensued about accidents which involved vehicles having to choose hitting a tree or hitting pedestrians or other vehicles. Ms. Darrow pointed out this could be a liability problem because it has already been brought to the Town’s attention. Back to Mr. Gould’s original question, Ms. Darrow stated that they would be keeping the south edge of the road as is. However, the north edge shoulder varies from 6 inches to a foot. Ms. Darrow stated that generally a 2 foot gravel shoulder would be according to the AASHTO Highway Safety design requirements for very low volume local roads. Ms. Darrow stated the impact would be approximately 3 to 4 feet. She stated the big impact would come from sloping the knob out at the curve.

Mary Jo MacGowan asked who would be maintaining the rain garden; would it be the Town or volunteers or the Conservation Commission? Ms. Darrow stated it could be an opportunity to collaborate with SPNHF. She stated she had worked at sites where the local 4-H group put in a rain garden. A brief discussion ensued.

Member Lehmann asked Ms. Darrow to show the proposed edge of road compared to the existing edge using highlighter markers on the large plot plan. Ms. Darrow stated the distance was approximately 100 feet out of the 261 feet of impact.

Linda Clark added that the rain garden was mandatory by SPNHF; otherwise there would be a process of condemnation of the land to deal with. Ms. Darrow stated that having storm water treatment was one of the reasons why SPNHF was allowing this project to take place.

Greg Roberts asked Ms. Darrow's opinion regarding the Town voting down the installation of the guardrail at Town Meeting. She stated the point of need will not change. She asked for the guardrail because if the Town is not compliant with DOT's specifications and somebody gets into an accident, the Town would be held liable.

Road Agent Bean clarified that if something has been in existence for 100 years and nobody touches it, it can remain as is even if it is not compliant with current regulations. However, once somebody reconstructs and/or reconfigures the road and does not construct it according to *current* state specifications, this creates liability for the Town. A brief discussion ensued including the option of not having a guardrail which would not be accepted by SPNHF or adhere to the wetlands permit.

7:55 p.m.: Member Lehmann closed the public portion of the public hearing as there were no more comments or questions. Member Lehmann thanked Ms. Darrow and opened discussion for the Planning Board.

Member Buckley commented that Ms. Darrow and Road Agent Bean had put a lot of work into this project. He stated they had taken into consideration the scenic road aspects of the project and they will take steps to minimize the impact. He did not think the stone wall was a problem. He did not see any reason to object. Acting Member Ilacqua agreed, pointing out that SPNHF had approved the project. Selectperson Schofield also agreed, especially because the rain gardens would help to improve the water quality and improve the scenic beauty of the road.

Member Lehmann was concerned about the safety issue of not having the guardrail. A brief discussion followed. Even though the public portion of the hearing had been closed, Member Lehmann addressed a question to those who had attended Town Meeting as to why the guardrail was voted down – was it purely financial reasons? Road Agent Bean stated people said it would be too ugly. Member Lehmann stated she did not think that ethically or legally the Board could say no guardrail should go there.

Ms. Darrow stated there were three public safety issues: 1) visibility; 2) the culvert is in danger of collapsing and 3) no guardrail. She stated the most immediate danger was the culvert. After a brief discussion, Ms. Darrow stated they could work with what was being proposed and install a guardrail later.

No other comments or questions were raised. At this time, Member Buckley made a motion that the Planning Board approve the proposed project on Bashan Hollow Road to replace the existing failing culvert and reconfigure the road in the vicinity of the curve subject only to the modification that the rain garden shown outside of the right of way be moved inside the right of way; seconded by Selectperson Schofield and approved unanimously.

Additional discussion ensued regarding the guardrail. Acting Member Ilacqua wondered whether the townspeople were not informed enough regarding the liability/legal ramifications of not having a guardrail. Member Lehmann stated her concern was that there is a point of need for the guardrail and it does not conform to any regulation or specification and now the Town is on notice that if something happens there, the Town will be held liable. Selectperson Schofield stated she felt it would be irresponsible not to protect the Town. Acting Member Ilacqua

made a motion that the Planning Board make a recommendation to the Select Board about putting in guardrails according to DOT specifications; seconded by Selectperson Schofield and approved unanimously.

8:17 p.m.: Having no further comments or questions, Member Lehmann closed the public hearing. Chairperson Rauth returned to the Board. Chairperson Rauth thanked everyone for coming. Ms. Darrow thanked the Planning Board for taking the time to meet and discuss the project over the last year and a half.

The next order of business was review of the draft minutes of June 16, 2016. Member Lehmann made a motion to accept the minutes as drafted; seconded by Acting Member Ilacqua and approved unanimously.

The next order of business was the continued Copart site plan review. Chairperson Rauth updated the Board. She stated Copart had provided the funds that were asked of them for review of their water quality report. Those funds are currently in an escrow account. She stated the Board had also received a copy of the draft report from Sanborn, Head Associates. Sanborn Head is standing by their original recommendations for the installation of three to four shallow monitoring wells to have a more accurate assessment. Chairperson Rauth stated that Copart had approved the extension of the site plan review to October 1, 2016. She stated that she has observed there is little to zero, almost non-existent activity at the site as she drives that way a lot. After a brief discussion, Member Lehmann made a motion that the Board table this discussion and the site plan application review until the next meeting on August 18, 2016 at 7 p.m. at the Webster Town Hall; seconded by Acting Member Ilacqua and approved unanimously.

Chairperson Rauth then moved on to discussion of Member Buckley's proposed document regarding paving driveways to be submitted to the Grapevine. By consensus, the Board was in agreement for Member Buckley to submit his document for publication.

The next order of business was the continued discussion about private roads. At this time, Selectperson Schofield recused herself as she is a resident of Brookfield Circle, a private road. Chairperson Rauth stated she sent follow-up questions to Town Counsel after the Planning Board's June meeting. He said the Planning Board does not have a role to play when a person is using a private road simply to access their property other than where the private road intersects with the public road. Chairperson Rauth stated that Town Counsel continued to say that when the property owner seeks the building permit, he is subject to the regulatory regime and at that point the road would have to be constructed in terms with a recorded plat and the Select Board would impose standards for construction of the road. A brief discussion ensued.

At this time, a discussion commenced regarding Member Buckley's site visit to Brookfield Circle. At the June 16th Planning Board meeting, Member Buckley had reported his observations that the Schofields had seemingly modified their driveway without a permit and that a shared driveway had been created without Board approval. The Board had asked Member Buckley to further investigate and to have an on-site meeting with the affected property owners. The results of Member Buckley's investigation proved that the Schofields had *not* modified a driveway without a permit; no new shared driveway had been created and as long as the owners of lot 10-1-121 have no objection to continued Schofield use of their curb cut, there was no apparent reason for requiring any change. Chairperson Rauth asked Member Buckley about the condition of the intersection of Brookfield Circle and Deer Meadow Road. Member Buckley stated the paved entrance on Brookfield Circle was no longer there; he had not noticed damages that may have been done to Deer Meadow Road. A discussion ensued.

Chairperson Rauth informed the Board of two possible agenda items for the August 18th meeting: 1) property owner discussion regarding "undoing" an approved and recorded subdivision and 2) a different property owner discussion

of “undoing” a voluntary merger in the Pillsbury Lake District (Note: Subdivisions are prohibited in the PLD per the Zoning Ordinance). Neither property owner had submitted their written request as of this July 21st meeting.

Member Buckley updated the Board regarding the Frost Lane lot line adjustment/annexation plans. When Member Buckley was getting ready to walk the bounds, he noticed that the plot plan did not have all the required information as per the Subdivision Regulations. Member Buckley has been in contact with Mr. DiBernardo, the surveyor.

Member Buckley updated the Board regarding a Driveway Permit Application. Member Buckley had gone to do a final inspection on a paved driveway. A condition he required was for the property owner to trim bushes that were blocking the line of site when backing out. The property owner had been in touch with Mrs. Larson and told her the bushes would be cut on a certain day. When Member Buckley arrived on site, the bushes did not look like they had been trimmed. Member Buckley asked Mrs. Larson to call the property owner. Once the bushes have been cut, the property owner is to let Mrs. Larson know and she in turn will notify Member Buckley.

9:12 p.m.: Member Lehmann made a motion to adjourn; seconded by Member Buckley and approved unanimously.

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