

**TOWN OF WEBSTER
PLANNING BOARD
MEETING MINUTES AUGUST 18, 2016**

At 7:00 pm Vice Chair Sue Roman opened the regularly scheduled Planning Board meeting and took attendance; members present were Jere Buckley and Lynmarie Lehmann and alternate member Patricia Ilacqua, who was appointed as an acting member due to the absence of Chairperson Rauth.

The first order of business was a preliminary conceptual discussion with Jim Clark-Dawe of 465 White Plains Road regarding a proposed lot line adjustment. Vice Chair Roman invited Mr. Clark-Dawe to the table to make his presentation. He informed the Board that the two lots involved were held in his late father's trust, which is overseen by a trustee. Mr. Clark-Dawe stated the trust was currently in a major amount of litigation. He stated that if the Board was agreeable, then he and his sister's attorney would request an order from the judge allowing Mr. Clark-Dawe to present the lot line adjustment to the Planning Board rather than the trustee, attorney Thomas Masland. Member Lehmann asked Mr. Clark-Dawe if he was a beneficiary. Mr. Clark-Dawe responded in the affirmative and stated his sister was also a beneficiary. The Board agreed that information was sufficient for Mr. Clark-Dawe to continue with the preliminary conceptual discussion. Mr. Clark-Dawe stated there were going to be legal meetings taking place in September and this proposal may not even happen.

Mr. Clark-Dawe then directed the Board's attention to a plot plan showing lots 1-18 (Mr. Clark-Dawe's current year round residence) and 1-19 (Mr. Clark-Dawe's sister's part-time residence). He explained that a long time ago these two lots were part of one 40 acre piece. In the early 1900's his relatives had built a boathouse on the water which after many decades was falling into the lake. In the 1960's Mr. Clark-Dawe's grandparents who lived in what is now his current residence, moved the boathouse which ended up as the current house on lot 1-19 that his sister lives in part-time. During the 1970's Webster enacted zoning laws, which made having two houses on one lot illegal. In order to comply, Mr. Clark-Dawe's grandmother did a subdivision. At that time the setback from the property lines was 35 feet; his grandmother gave 37 feet. Mr. Clark-Dawe pointed out on the plan a section called "L15" which he explained was a natural beach. He stated his grandparents did not give his parents any rights to that beach. The current deeds reflect the same; his sister does not have rights to the beach. The proposed lot line adjustment would divide the beach between Mr. Clark-Dawe and his sister; make the current driveway at White Plains Road a 20 foot wide right of way (a right of access is what is currently documented in the deed). Also, Mr. Clark-Dawe's parents built a shed that is 31 feet from the lot line and cannot be moved any further due to a large wetland area. Mr. Clark-Dawe pointed out that lot 1-19 does not comply with the current zoning for 250 road frontage; it only has 150 feet on Lake Road and there is a huge swamp on the White Plains Road side of the lot. Vice Chair Roman stated the road frontage was grandfathered and as long as the lot line adjustment does not make it more non-conforming, she thought he would not have to have 250 feet of frontage. A brief discussion followed about the question of whether or not the right of way for the driveway would be considered a modification under the Driveway Regulations. Vice Chair Roman stated the right of way would not be a problem for the lot line adjustment. She stated she did not see it as relevant to approving or disapproving the lot line adjustment. The Board agreed. A brief discussion followed. The Board agreed with Vice Chair Roman that the increase of the setback for the house outweighs the lessening of the setback for the shed. After a brief discussion, Mr. Clark-Dawe stated that there were no plans to physically modify the driveway; what they will be doing is changing the right of access to a right of way and defining the right of way as 20 feet wide. After a brief discussion, the conceptual presentation concluded. Mr. Clark-Dawe thanked the Board for their time and support; the Board thanked Mr. Clark-Dawe for coming in.

At this time the Board recognized Kevin and Kathy Gale, new property owners in Webster. They had questions regarding the Building Permit procedure. After a brief discussion, Mr. & Mrs. Gale were referred to contact Mrs.

Larson, Land Use Coordinator, during office hours as the Building Permit procedure is under the purview of the Select Board not the Planning Board.

The next order of business was review of the draft minutes of the July 21, 2016 meeting. Three amendments were proposed by Member Buckley:

1. Page 1, last sentence of the fifth paragraph amended to, "Part of the plan is to build two rain gardens that will *intercept storm-water runoff that otherwise would flow directly into the wetland area.*"
2. Page 2, last sentence of the first full paragraph amended to, "Ms. Darrow said this particular area would be a perfect location *given its location in a gravel pit area.*"
3. Page 2, second to last paragraph, the sentence beginning "However," amended to, "However, the *width of the northerly* shoulder varies from 6 inches to a foot."

Member Lehmann made a motion to accept the July 21, 2016 minutes as amended; seconded by Member Buckley approved with one abstention; Vice Chair Roman had not been in attendance at the July 21st meeting.

The next order of business was the continued deliberation of the Copart Site Plan Review application. Vice Chair Roman began discussion stating that the end of the period of extension was close (October 1, 2016). She stated the Board was also in receipt of the Sanborn, Head report regarding Copart's test of the one overburdened well. Per the report, Sanborn, Head felt that one test was inadequate. Vice Chair Roman discussed anecdotal evidence from Chairperson Rauth (statement made in July 21, 2016 minutes), Mrs. Larson, Member Lehmann and Acting Member Ilacqua who all stated they had observed no activity at the Copart site during business hours; the gates were closed and there were only 3 or 4 auto wrecks in the outer yard. Vice Chair Roman stated if the Board could get confirmation from Copart that they are not going to operate out of the site, then Copart could withdraw their application without prejudice, but if there were to be any activity, Copart would have to notify the Planning Board that they were making the site active again. Member Lehmann suggested writing a letter to Copart. Vice Chair Roman agreed and also felt the Board owed Copart a letter to inform them of Sanborn, Head's report. The Board then went into a lengthy and in depth discussion after which Vice Chair Roman made a motion to write a letter to Copart to ask for an extension until the October 20, 2016 Planning Board meeting; if the Board does not get the extension, then the Site Plan application will be denied at the September 15, 2016 Planning Board meeting. The application will be denied on October 20, 2016 unless they agree to do the wells by a certain date (TBD). The junkyard license expires on September 30, 2016; if Copart states they will not be continuing operations at the site then they can withdraw their application without prejudice and Copart agrees not to commence operations without applying to the Town or they will be in violation of town regulations; motion seconded by Acting Member Ilacqua and approved unanimously.

At this time Vice Chair Roman made a motion to approve payment of \$761.90 from the Copart Escrow account to Sanborn, Head & Associates for their report; seconded by Member Lehmann and approved unanimously.

Due to the late hour, Vice Chair Roman was not going to address Subdivision Regulations. Member Lehmann asked if discussion on Member Buckley's e-mailed thoughts on private roads and driveways could be put off as she did not have her notes with her. Vice Chair Roman asked Member Buckley if he was arguing for something to be done with respect to what the Planning Board did with Brookfield Circle; was he requesting further action? Member Buckley replied that he did not think he was with the sole exception of the fact that the Board had made no effort to impose any requirements for the curb cut, which is an authority the Planning Board clearly has in the RSA's. Vice Chair Roman and Member Lehmann were both in complete agreement. Vice Chair Roman then inquired of Member Buckley if his thoughts were directed toward trying to clarify how the Planning Board will treat those things in the future; Member Buckley answered in the affirmative. A brief discussion/debate followed which included topics of subdivision regulations and the Planning Board's authority over new subdivision roads; access to property on private roads; and building on private roads. Member Buckley asked about what would happen with an approved multi-lot subdivision without a street and then someone wants to add a street to service those lots, such as the Phillips-Halloran-Moseley situation. Vice Chair Roman stated that situation was a ZBA issue. She added that the Planning Board was not a judicial board in any way; the Planning Board does not interpret their own plats. Member Lehmann asked to table the discussion in order to be better prepared to address the issue in the future. This will be on the agenda for the September 15, 2016 Planning Board meeting.

Member Buckley made a motion to adjourn; seconded by Member Lehmann, however, Vice Chair Roman informed the Board that there had been a hearing regarding work on Bashan Hollow Road and Gerrish Road before the Select Board. There were some concerns about the way that the roads were dealt. She stated a number of people had raised objections as to the way the roads were being maintained and in that meeting it was suggested the Planning Board could take up the issue of making further regulations for scenic roads under the statute. The Select Board invited the Planning Board to do that if they want to. Vice Chair Roman would like this on the Planning Board agenda for September 15, 2016.

Vice Chair Roman then asked Member Lehmann if she would be willing to review the letter to Copart; Member Lehmann agreed.

Meeting adjourned at 9:23 pm.

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

Posted August 24, 2016