

TOWN OF WEBSTER, NEW HAMPSHIRE
Planning Board and Zoning Board of Adjustment
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Zoning Board of Adjustment and Planning Board
JOINT MEETING Continued from August 9, 2016

September 15, 2016

NOTE: ZBA PORTION IS A DRAFT/PB PORTION IS APPROVED AS WRITTEN

Present:

ZBA Members: Chairman Martin Bender, Barbara Corliss, Jaye Bowe and Dee Blake.

Planning Board Members: Chairperson Susan Rauth, Jere Buckley, Lynmarie Lehmann, and Selectperson Nanci Schofield.

Planning Board Alternates: Paul King, who was an Acting Member due to absence of Member Roman.

Applicants in attendance: Mr. Joseph DiPrima, who petitioned ZBA for a Commercial Exception and the Planning Board for a Site Plan Review approval to add 15 new campsites, additional bathrooms and a commercial kitchen.

7:05 PM Planning Board Chairperson Rauth opened the joint meeting. She explained that the two boards had an initial hearing about the application last month and there were some outstanding questions about the septic design and its capacity and more information was needed about the kitchen and the letters of deficiency from DES therefore the meeting was continued until this time.

Attendance was taken for both Boards as above.

Continued ZBA Case No. 16-01 Commercial Exception:

Petition of JMJ Resort Properties d/b/a Cozy Pond Camping Resort, located at 541 Battle Street where in a Commercial Exception per Article V. Section 1.F is requested to permit construction of 15 additional campsites for a total of 137 and add outside bathroom at store, kitchen at store, bathroom at pool and bath house in "G" area.

7:07 pm Chairman Bender opened the ZBA public hearing. He waived the reading of the application because this was a continuation of the hearing. He invited Mr. DiPrima to make his presentation.

Chairman Bender asked Mr. DiPrima how many sites he expected to finish with. Mr. DiPrima stated he would be looking to add 60 sites for a final total of 197. He stated it that would be a four to five year goal. A brief discussion ensued.

Continuing, Mr. DiPrima addressed the questions posed by the planning board and listed in the minutes of the August 9th meeting.

- Septic system to be shown on the plat.

Referring to the plat, Mr. DiPrima pointed out that all the systems were shown. The newest septic system design had been approved for both construction and operation. Member Corliss had both copies of those approvals from DES. Member Corliss asked what the septic design would handle. Mr. DiPrima stated it was designed for more sites than what he plans on; a bathhouse with four showers – two stalls each on both the men's and women's sides; bathroom outside the store; bathroom at the pool area with two stalls at each site. Mr. DiPrima stated the State requires one bathroom for every 75 men and one for every 50 women so he is putting in two for each which covers more than is required. Kitchen is also included in the septic approval for operation. A grease trap was not designed into the septic system; he will be using a grease

trap inside the store for the sink area. Mr. DiPrima stated that every possibility he could think of went into the design of the septic system. Member Corliss clarified that the septic system was overbuilt for the intent. Mr. DiPrima agreed.

- Location of all water mains and sanitary sewerage facilities with the facility.
Mr. DiPrima stated the water mains were all marked. Septic systems were all numbered and listed on the plat. A brief discussion followed.
- Vegetation buffer for new sites to be shown on plat.
Mr. DiPrima stated buffers were shown on the plat. He stated there was a 50 foot buffer along all boundaries. The sites are approximately 150 feet away from the buffer which means the sites are about 200 feet from all property boundary lines.
- Need more information about existing natural features in the new area.
Mr. DiPrima stated he did not know what was meant by that. He stated that not much will be done to the topography at the new sites; it is basically a field area; he may increase elevation a couple of feet at the most. Some of the new sites have trees. He only takes down trees that would be in the way of the campsite – does not take down all trees.
- Location of solid waste disposal facility.
Mr. DiPrima asked if this meant the dumpsters. He referred to the plat and pointed out where the dumpsters were located and that they were more than 75 feet away from well systems. The dumpsters are emptied twice a week on Fridays and Mondays.
- Information on composition and quantity of waste water that is generated – needs to be specifically laid out for the Planning Board.
Mr. DiPrima stated the waste water goes into the septic systems.
- The size and location of any utility serving the new area.
Mr. DiPrima stated he had put the electric meters and their amperage on the plat.
- Explain the deficiency of the public water system – must explain the size and what it is serving.
Mr. DiPrima explained that every 5 years DES inspects the water/well systems. On one well there was no sampling tap, i.e., a faucet; on the other well there was no backflow. He stated both of those were taken care of and he presented the Boards with copies of e-mails from DES stating he was in compliance for both. Mr. DiPrima then stated there was another deficiency because he was a day late submitting the July sample because he was struck ill. He explained he is required to submit on a monthly basis to the State, chemical water samples. That was rectified and was approved by the State. Mr. DiPrima submitted a copy of a letter to the Boards stating he was in compliance.
- Specify number of bathroom stalls and showers.
Women's side of pool will be 2 and 2; store 1 and 1; inside "G" section will be 2 and 2 and 4 shower stalls.
- Traffic flow.
Mr. DiPrima informed the Boards that a gate system had been installed at the campground. No one can go into the campground at their leisure; they have to check-in at the store first. Mr. DiPrima kept a tally of cars over the Labor Day weekend. On Friday, there had been 200 vehicles going through the gate system; on Saturday, 160; on Sunday, 150 and on Monday, 50.

Mr. DiPrima explained that the gate system works every time a vehicle goes through. Some of those numbers are from people driving out to the campground store and going back in. Mr. DiPrima stated that 40-50% of those numbers were those people going from the campground to the store and back to the campground, not going out on to Battle Street. He stated that the campground is about 85-90% seasonal, i.e., campers/RV's that remain at the campground year round. He stated there are people who are at the campground during the open season and then go to Florida for the winter. He stated that although the campground may have 137 sites, there will not be 137 campers/RV's going up and down Battle Street all the time.

Mr. DiPrima stated that with the new sites being applied for, there may be 12 added vehicles coming into the campground on a weekends the campground would be completely booked, i.e., Memorial Day, 4th of July, NASCAR race weekend, Labor Day and Columbus Day. Most traffic is July and August.

Mr. DiPrima then informed the Boards he had had two complaints this year; on the 4th of July he had pointed the DJ music speakers in the direction of the fireworks, which would have been towards Winnepocket Road. He stated a woman had called at 7:30 pm to complain the music was too loud. He did have the DJ turn down the volume. Another time a complaint was made in person by a local resident about barking dogs. Mr. DiPrima stated the person that had the dogs was 1000-2000 feet inside the campground. Mr. DiPrima asked the person if he might be hearing the German shepherds down the road from the campground. Member Bowe stated in years past she could hear everything because she lives on the river, but now she said it was quiet and she, personally, had no complaints.

ZBA Chairman Bender asked for comments or questions from the public. Fire Chief Emmett Bean stated it had been very quiet regarding fire or EMS calls. Abutter Gordon Welch had no complaints about the campground. There were no other comments either in favor or against.

7:35 pm ZBA Chairman Bender closed the testimony and opened the hearing up for ZBA deliberation. Member Corliss stated she had all her questions answered. Member Blake stated she had no problems. There were no other comments/questions from the ZBA. Chairman Bender called for a vote: Chairman Marty Bender – in favor; Member Barbara Corliss – in favor; Member Jaye Bowe – in favor; Member Dee Blake – in favor. The vote was unanimously in favor of granting Mr. DiPrima a Commercial Exception as stated on his application.

ZBA Chairman Bender turned the joint meeting over to the Planning Board.

Planning Board Case No. 16-04 Site Plan Review Application Hearing

Petition of JMJ Resort Properties d/b/a Cozy Pond Camping Resort, located at 541 Battle Street where ina Commercial Exception per Article V. Section 1.F is requested to permit construction of 15 additional campsites for a total of 137 and add outside bathroom at store, kitchen at store, bathroom at pool and bath house in “G” area.

7:36 pm PB Chairperson Rauth stated a lot of the questions the Planning Board had, had been answered. She asked the Board if there were any more questions that might not have been addressed. After a brief discussion, it was determined that the time limit of the 2014 approval for 15 sites had run out; Mr. DiPrima had never filed the plan with the Merrimack County Registry of Deeds. Member Lehmann suggested the Board retroactively reapprove the 2014 sites and just submit one Mylar with the 30 sites. She asked the Board if they had waived the item on the checklist for the site plan review regarding the need to show existing and proposed contours and finished grade elevations. Member Buckley stated that

the area if the campground being discussed was basically a pretty flat site and if the Planning Board had not waived that the first time around he would be receptive to waiving it. Chairperson Rauth agreed. Member Lehmann asked if the Board had any concerns about storm water runoff. Mr. DiPrima stated the storm water just goes in to the ground and the sites' surfaces have stone/gravel put on top of what is currently there now; no asphalt. Member Lehmann inquired about landscaping. Mr. DiPrima stated he is always doing landscaping around the campground. He said there were a couple of seasonal campers who go around and put in flowers and plants and shrubs. Member Lehmann inquired about a checklist item regarding the composition and quantity of wastewater generated. Member Buckley felt the discussion on the septic system covered that. There were no other comments from the Board or the public.

Chairperson Rauth addressed Mr. DiPrima and stated that one of the conditions of the 2014 Site Plan application approval was to follow his Best Management Practices and so that condition would continue. Mr. DiPrima agreed.

Member Lehmann made a motion that the Planning Board reapprove the 2014 approval with the same conditions that were imposed in 2014 and approve the proposed 8/9/16 application. Before the vote, Chairperson Rauth asked if there were any more comments from the audience; there were none. Selectperson Schofield seconded the motion and the Site Plan Review application was approved unanimously.

7:45 pm Joint Meeting of the Zoning Board of Adjustment and the Planning Board was adjourned.

Immediately following joint meeting, the Planning Board began its regular meeting.

The first item on the agenda was a public hearing as follows:

Planning Board Case No. 16-05 pursuant to RSA 231:158. Effect of Designation As Scenic Roads,
to hear any public comment relative to a proposal by EVERSOURCE ENERGY to trim
and remove trees and brush on the following scenic roads:
Bashan Hollow Road and Gerrish Road.

7:46 pm Chairperson Rauth opened the public hearing. Chairperson Rauth turned the hearing over to Mr. Brian Salas, the Regional Arborist for *Eversource Energy*. Mr. Salas stated that all they were doing was maintenance trimming; this was their maintenance cycle that is done every 4 years. Cards for permission from property owners have already been sent out. He stated he had a few trees that he would like removed. According to his notes there is only one actually in the Town's right-of-way. Mr. Salas stated all the trees he wants to take down are dead. He informed the Board that all the work is contracted with ASPLUND and most of the work in the Town is completed except for these two scenic roads. Mr. Salas stated he needed permission from the Town to do the work, however, he can only do the work if the landowner also approves, i.e., if the Town says yes and the landowner says no, he will not do the work and vice versa – BOTH parties must approve. He stated there didn't appear to be much trimming that had to happen.

After a brief discussion, Member Lehmann made a motion to accept the plan that *Eversource* put forward for the tree cutting on Bashan Hollow and Gerrish scenic roads; seconded by Member Buckley and approved unanimously.

Sally Embley, resident, asked what would happen if the landowner did not send the permission card back. Mr. Salas stated that according to the RSA, if the utility company does not hear from the landowner after 45 days, then it is implied the landowner gives their permission.

8:15 pm Chairperson Rauth closed the public hearing.

At this time Sally Embley asked the Board about the new Accessory Dwelling state law and what they were doing about it. Chairperson Rauth stated the Board will need to revise the Zoning Ordinance in order to be compliant with the new law that takes effect on June 1, 2017. Because this has to go before Town Meeting in March 2017, the Board has until January 2017 to hold a hearing to amend the Zoning Ordinance. The Board thanked Mrs. Embley for the reminder and stated it would be on the October meeting's agenda. In addition, Member Lehmann informed the Board of an amendment to State law regarding not approving lot line adjustments without looking at mortgages. The person must own the property and/or have consent from the mortgage holder.

The next item on the agenda was review of the draft minutes from August 9, 2016 and August 18, 2016. Member Lehmann made a motion to approve the minutes of the Joint Meeting held August 9, 2016 as written; seconded by Acting Member King; Members Rauth, Buckley and Schofield were not in attendance at that meeting which does not prohibit anyone from voting. So in order to break the dilemma, Member Buckley stated he read the minutes and added his affirmative vote to the motion and the minutes were approved.

Regarding the August 18, 2016 minutes, Member Buckley pointed out that there should be a comma after the word *was* on page 3, the 5th line from the top. Also, the word *hearing* should be changed to **discussion**, on page 3, 2nd paragraph, second line down. Mrs. Larson had been informed that a public hearing had not been held during the Select Board meeting as indicated in the minutes – it had only been a discussion. Member Buckley made a motion to approve the minutes of August 18, 2016 as amended; seconded by Member Lehmann and approved unanimously.

The next item on the agenda was the continued deliberation of the Copart, Inc. Site Plan Review application. Chairperson Rauth stated Copart had responded to the letter the Board had written to them and they said they would be ceasing their operations by October 31, 2016 and withdrawing their site plan review application without prejudice. Member Lehmann stated she felt the Board would need to respond and send a check for the balance left in the escrow account. Selectperson Schofield suggested sending the check after October 31st. The Board agreed. Member Lehmann made a motion as to her above statement to send a letter and return the balance of funds; seconded by Member Buckley and approved unanimously.

The next item on the agenda was discussion of the e-mail from Mike Schofield, a resident of Brookfield Circle. He sent the e-mail to the Planning Board and the Pillsbury Lake Management expressing his concern regarding the possible construction taking place on Mr. Djulabic's lot which abuts his. At this time Selectperson Schofield recused herself. Chairperson Rauth stated this had been referred to the Select Board which seemed to be the appropriate place for it because it was related to the Building Permit. She informed the Board that a letter was sent on the Select Board's letterhead to Mr. Djulabic explaining the process. The letter was signed by Mrs. Larson on behalf of the Select Board as she was instructed to do by the Select Board. After a brief discussion, Chairperson Rauth suggested that the Board write a letter to Mike with any specific questions they might have for him. Member Lehmann stated she did not have specific questions, because she did not think this was in the Planning Board's jurisdiction and any issues regarding building on that particular lot, she felt the Selectmen would control that. The Board agreed.

After a brief discussion the Board agreed to hold a work session regarding review of the Subdivision Regulations on Sunday, October 23, 2016 at 1:00 pm in the Town Hall.

The next item on the agenda was the continued discussion regarding Member Buckley's thoughts on driveways and private roads. The Board agreed to table this until other Board members could be present.

The last item on the agenda was discussion about whether or not to develop additional regulations for scenic roads. After a brief discussion, both Member Buckley and Member Lehmann agreed there need not be additional regulations. Chairperson Rauth added that she had inquired of several towns of what, if anything, they had done; she stated not one town she contacted had done additional regulations.

8:45 pm The Planning Board meeting adjourned.

The Planning Board portion of these minutes was approved as written at the Planning Board meeting of October 20, 2016.

Respectfully,

Susan Rauth, Chairperson