

**TOWN OF WEBSTER  
PLANNING BOARD  
MEETING MINUTES NOVEMBER 17, 2016**

At 7:00 pm Chairperson Susan Rauth opened the regularly scheduled Planning Board meeting and took attendance; members present were Jere Buckley, Sue Roman via telephone, Lynmarie Lehmann, and alternate member Paul King. Also in attendance were residents Deb DeCato and Steven McCormack.

**7:01 pm** the first order of business was a public hearing pursuant to RSA 675:3 for the purpose of hearing public testimony/comments on a proposed 2017 warrant article to amend the Zoning Ordinance regarding new state legislation for Accessory Dwelling Units (accessory apartments). Chairperson Rauth gave some background information regarding the new legislation. She stated that the Town of Webster already had regulations for accessory apartments. The State passed a new law which will be effective June 1, 2017. The reason the law came about was that the State recognized the need for more diverse and affordable housing. As the population ages, people want parents to be able to live with them but independently. There is a need for independent living space for everyone. Chairperson Rauth stated that the Town of Webster administers this regulation through special exception under the Zoning Board of Adjustment. She stated the Planning Board will regulate ADU's the same way. She also stated that if the updated regulation does not pass at Town Meeting in March 2017, then the special exception procedure would go away and the construction of ADU's would be administered by right, therefore the Town would not have much overseeing of the new law. Chairperson Rauth continued by stating the three changes to be updated in the Zoning Ordinance: 1) under the new law the owner must occupy either the primary or secondary dwelling unit; 2) the square footage of the ADU will be a maximum of 750 square feet; current regulations allow up 600 square feet; 3) the ADU must be attached to the primary dwelling. The ADU would still have to provide independent living facilities for one or more persons for sleeping, eating, cooking and sanitation. An interior door shall be provided between the dwelling unit and the ADU. There will be a separate exterior entry door, although both units can use one such door via a shared hallway. The unit must meet all relevant life safety and sanitary codes including two means of egress leading to safe an open space at ground level. And there shall be provisions for adequate water supply and sewer disposal service in compliance with RSA 485-A:38. Chairperson Rauth then explained how an applicant could apply for an ADU. She stated the applicant would submit a request to the Webster Select Board, who would refer the applicant to the Zoning Board of Adjustment to apply for a special exception with a site plan and a floor plan in accordance with the Special Exception Application procedure.

At this time, Chairperson Rauth asked the public if they wished to make any comments regarding the proposed amendments. They did not have any comments and the Board did not have any comments.

**7:09 pm** Chairperson Rauth closed the public hearing. Member Lehmann made a motion that the Planning Board accepts the language as proposed to put forward in their warrant article in March 2017; motion seconded by Member Roman and unanimously approved. A brief discussion followed. Mrs. Larson will draft a warrant article for the Board to review at their next meeting on December 15, 2016.

The next order of business was a conceptual discussion with property owner Steven McCormack of 234 Battle Street, tax map 7 lot 9 which is five acres, regarding subdividing his property into two lots. Mr. McCormack and Ms. DeCato addressed the Board at the conference table. They had not brought any drawings, but the Board did have copies of the plot plan. Mr. McCormack's lot has 993 feet of frontage on Battle Street, however

the other boundaries about a “discontinued” road (old route 127). After a lengthy discussion, the Board suggested that Mr. McCormack return for a second conceptual discussion with drawings that show the setbacks of all his buildings and to check his deed regarding the discontinued road. There was also a question about a garage that may not meet the setback requirements of 50 feet if the lot was to be subdivided. In that case the Board stated they could not approve something that would go from being conforming to nonconforming. The Board explained to Mr. McCormack that if that happened, he could apply to the ZBA for a variance. Member Lehmann told the residents to take some measurements, bring their deed in and to contact NH DOT about the discontinuance of route 127. Member Buckley stated the residents could bring their own scaled drawings. The residents will contact Mrs. Larson when they want to be put on the agenda for a future meeting.

The next order of business was the review of the draft minutes of the October 20<sup>th</sup> Planning Board meeting and the November 6<sup>th</sup> Work Session. Member Lehmann made a motion to accept the October 20, 2016 meeting minutes as written; seconded by Member Buckley and unanimously approved. With regards to the November 6<sup>th</sup> work session minutes, Member Buckley questioned the statement “*and to strike the lead in paragraph of the Definitions section.*” at the end of the second paragraph. A brief discussion followed. It was agreed to delete that section of the sentence. Member Buckley pointed out in the fourth paragraph, second sentence, “*Upon final approval, the changes to the Zoning Regulations and the Site Plan Review Regulations will be written and submitted for the proposed 2017 Town Warrant Articles.*” those changes to Site Plan Review Regulations do not go before Town Meeting, hence those words should be deleted. Member Buckley then stated there was no mention in the November 6<sup>th</sup> minutes of what he regarded as a seminal discussion that the Board had on the question of the Board’s authority to regulate driveways or roads on private property. Member Buckley stated he had presented what he thought was a reasoned argument back in August arguing that the Board did have that authority. He stated he had cited a number of references in the minutes saying that the Board did not have jurisdiction of roads on private property. He stated he would accept the omission with the understanding that the subject would be re-raised at a future meeting probably when discussing the Subdivision Regulations. At this time Member Roman clarified that Member Buckley was concerned about the ambiguity of the minutes from August and that he would like to resolve the ambiguity at a future meeting. Member Buckley agreed. After a brief discussion, Member Lehmann made a motion to adopt the November 6<sup>th</sup> work session minutes with the two changes reflected in paragraphs two and four; seconded by Member Buckley and unanimously approved. Chairperson Rauth added that the changes to the Site Plan Regulations could be done at a public hearing at the same time as the Subdivision Regulations.

The next order of business was the continued discussion regarding amendments to Subdivision Regulations. Chairperson Rauth stated the Board has a work session scheduled for that topic on Sunday, December 4<sup>th</sup> at 8:30 am so she proposed not discussing that at this meeting and therefore, move on to new business.

The Board conducted a lengthy and in depth discussion about resubmitting a warrant article that had not passed at the 2014 Town Meeting regarding defining ‘building’ and ‘structure’, modifying setback requirements, and reflecting those changes as needed elsewhere in the ordinance. The Board referred to handouts with the original language and strikeouts of the warrant article. Mrs. Larson will e-mail the 2014 warrant to the members. Chairperson Rauth stated the Board would continue their discussion on December 4<sup>th</sup>.

8:45 pm Member Lehmann made a motion to adjourn; seconded by Member Roman and unanimously approved.

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