

Webster Planning Board Minutes - Meeting of October 15, 2009

Present: Chairman Cliff Broker; selectman alternate Dave Klumb, member Richard Doucette; and alternates Sue Rauth, and Susan Roman. Also present: Planning and Zoning Secretary Mary Smith, the applicants and one abutter.

Chairman Broker convened the meeting at 7:05 p.m. Attendance was taken, with the results noted above.

The Board reviewed the minutes of their September 17th meeting. Upon motion made by Mr. Doucette and seconded by Ms. Roman, the Board voted unanimously to endorse those minutes as written.

Chairman Broker convened a public hearing on a site plan review for property located at 1031 Battle Street and shown on Map 5 Lot 1-4. The applicants propose to sell and repair vehicles on the premises on a part-time basis. Mr. Laliberte presented his plan. He gave some history of the property wherein he had a lift installed in one of his three garages. He owns a number of classic cars and worked on family cars. The Board of Selectmen had an issue with the fact that he was selling used automobiles. He was told he needed to apply for a commercial exception. He explained he does not want the hassle of running an independent garage. Any chemicals that he generates are disposed of at work. A representative from New Hampshire DES Pollution Prevention Program provided a Site Assessment Report (copy attached). The report concluded that the only compliance issues were minor and easily remedied. Due to being in the business for 15 years, Mr. Laliberte was already aware of the majority of the DES regulations. Mr. Laliberte stated that DES told him he did not need to comply with the self-certification process unless he was a commercial establishment.

Chairman Broker asked if Mr. Laliberte's property is over the aquifer. It is not.

One of the applicant's abutters, Ms. Linda Mai, spoke in support of the applicants. She has had no problems with Mr. Laliberte's operation. He has been doing this for six (6) years and the yard is always clean.

Mr. Laliberte stated that the woman from the State said he would be considered a "hobbyist" and that he would only need to be certified if doing business on a regular basis.

Member Doucette drew the applicant's attention to item 5 of the conditions listed in the Town's ZBA decision. It states that the applicant "must fulfill DES requirements for "self-certification".

Selectman Klumb explained that one of the issues is that the ZBA approval stays with the land not the owner. It can stay an auto repair shop forever and is a commercial operation.

Chairman Broker stated that even if the State does not consider the applicant a commercial operation the Town does. The site plan will be locked in as written and the next person would not be able to add a parking lot.

Alternate Roman stated that the Planning Board cannot undo the conditions applied by the Zoning Board.

Member Doucette made a motion to approve the site Plan with completion of the ZBA conditions especially noted items numbers 4 and 5. Motion was seconded by Alternate Roman and approved.

When the public hearing was closed, Alternates Rauth and Roman presented an update on their research on Workforce Housing. Copies of an outline of the law with commentaries by Local Government Center and the 2009 Workforce Housing Purchase and Rent Limits were distributed. Discussion ensued concerning how the Town should proceed ranging from doing nothing (which could result in an expensive legal battle if a developer is denied a permit) to drafting lengthy new regulations. Ms. Rauth will be attending another seminar later this week and hopes to get answers to some of the questions still remaining. One of the topics discussed was Inclusionary Housing. Ms. Roman and Rauth requested that for "homework" the Board review the literature on Inclusionary Housing and email either one of them with questions or comments. Planning Board secretary Ms. Smith will make copies of the literature for distribution to the Board.

Secretary Buckley, who arrived during the public hearing, opened a discussion on who would replace departing Planning Board member Alan Hofmann. In his discussion on this subject with Selectmen Mullins and Hashem, they apparently intend to appoint John Nelson. They feel this will correct a wrong that occurred when Mr. Nelson, as a PB alternate, was passed over years ago when there was a vacancy for a full member. Chairman Broker stated that in his opinion Alternate Sue Rauth would be the logical choice for this appointment. She has done a lot of extra work researching some major issues that have come before the Board such as the Workforce Housing law previously discussed. However, Chairman Broker does not want to take the position that alternates must always fill vacancies left by full members. The Board hopes that Selectman Klumb will make their thoughts know to the Board of Selectmen and possibly reconsider their appointment.

The meeting was adjourned at 8:45 p.m.

The next Board meeting will be at 7:00 p.m. on November 19, 2009.

Respectfully submitted,

Mary F. Smith
Planning/ZBA Secretary