

## **Webster Planning Board**

### **Minutes - Meeting of July 16, 2009**

Present: Chairman Cliff Broker; members Jere Buckley (Secretary), Richard Doucette, and Alan Hofmann; and alternate Richard Cummings. Also present: Planning and Zoning Secretary Mary Smith and several residents.

Chairman Broker convened the meeting at 7:00 p.m.

Attendance was taken, with the results noted above.

The Board reviewed the minutes of their 18 June meeting. Upon motion made by Mr. Doucette and seconded by Mr. Hofmann, the Board voted unanimously to endorse those minutes as written.

The Board considered a lot line adjustment application involving Lot 5-63-1 owned by the David and Judith Victor Trust and Lot 5-63-3 owned by the Isabel and Michael Brinthal Trust. Mrs. Brinthal was present and represented by surveyor Peter Mellen, who showed a plat relocating a portion of the line between the two lots in such a way that about 5 acres, including a portion of a recently constructed access road to the Victor property, would be transferred from the Brinthal Trust to the Victor Trust. The Board saw no objections to the proposed adjustment, but noted that an authorization from the Victors was not included in the application. On that account, upon motion made by Mr. Buckley and seconded by Mr. Doucette, the Board voted unanimously to continue the matter to their August meeting in order to allow time for submittal of the missing authorization.

The Board then resumed its consideration of a proposed revision of the section of the *Subdivision Regulations* dealing with boundary markers. Mr. Buckley had supplied the Board with a version incorporating the changes agreed upon at the June meeting. Mr. Cummings suggested that the reference to "wooden stakes" as an option for temporary markers be changed to "wooden grade stakes" to discourage the use of inadequate pieces of wood.

One issue that had been tabled at the June meeting pending more research was the question of how best to assure that temporary boundary markers, when allowed, are replaced by permanent markers in a timely fashion. Mrs. Smith had obtained input from a surveyor, including citation of a relevant statute. The Board felt that the document under consideration is compatible with and in some respects preferable to the cited references. Options considered for which installation of permanent markers would be a condition included final road approval, issuance of a Certificate of Occupancy, and issuance of a building permit. After considering these options, the Board decided that issuance of a building permit was the most appropriate and practical choice. Mr. Buckley agreed to modify the proposed document accordingly, in anticipation of a public hearing on the proposed change to the *Subdivision Regulations*.

It had been noted at the June meeting that the proposed regulation unavoidably uses terms that are potentially subject to varying interpretation. It had been suggested that a statement be added designating the Board as the final arbiter in the event of any disagreement regarding definitions or meaning, but that such a statement should be made applicable to the *Subdivision Regulations* as a whole, not just to that portion concerning boundary marking. Alternate Susan Roman had agreed to draft a proposed statement for Board consideration. In Ms. Roman's absence, and based on a conversation with her a day prior to the meeting, Mr. Buckley reported her findings. She had reviewed ordinances from several surrounding towns and had found no precedent for such a provision. In fact, she had concluded that the Board cannot simply declare itself as the final arbiter in disagreements over definition. She notes that only a judge can perform that role, and that the Board is limited to making its best efforts to establish clear definitions wherever there seems to be a possibility of misunderstanding.

By unanimous consent, the meeting was adjourned at 7:31 p.m.

The next Board meeting will be at 7:00 p.m. on 20 August 2009.

Respectfully submitted,

Jere D. Buckley, Secretary

