

## **Webster Planning Board**

### **Minutes - Meeting of June 17, 2010**

Present: Selectman member George Hashem; members Jere Buckley (secretary) and Richard Doucette; and alternates Richard Cummings, Sue Rauth, and Susan Roman. Also present: Selectman George Cummings, Planning and Zoning Secretary Mary Smith, and several residents and applicants.

Mr. Doucette, serving as acting chairman in the absence of Chairman Broker, convened the meeting at 7:00 p.m. He designated alternate members Cummings and Rauth to serve in voting capacity in the absence off Chairman Cliff Broker and member Tom Mullins.

Attendance was taken, with the results noted above.

The Board undertook a review of the draft minutes of their 20 May meeting. Mr. Buckley, noting that those minutes had generated some controversy, read the following prepared statement:

“The draft minutes of the April 15<sup>th</sup> Planning Board meeting included a paragraph summarizing a discussion on the workforce housing issue, including a suggestion from Mr. Hashem that a computation of Webster’s “fair share” of such housing might best be undertaken only in response to a legal challenge, not in anticipation of one.

“At the May 20<sup>th</sup> meeting, Mr. Hashem was unhappy with the report of that suggestion. He did not say that the minutes were erroneous, but did say that his intention had been to suggest that a fair share computation be done in anticipation of rather than in response to a challenge, i.e. the opposite of what he actually said. I assured him that the April 15<sup>th</sup> minutes accurately reported what he said, but that a clarification of his intent in the May 20<sup>th</sup> minutes would be appropriate. After the Board discussed the matter at some length, including an explicit attempt by me to be clear on what Mr. Hashem was intending, the Board concluded that the May 20<sup>th</sup> minutes should include a statement that Mr. Hashem had intended to say the opposite of what he said on April 15<sup>th</sup>. Neither Mr. Hashem nor anyone else raised any objection to that conclusion.

“A verbatim transcript of the relevant portion of a recording of the May 20<sup>th</sup> meeting is appended hereto, and supports the statements in the preceding paragraph.

“The draft May 20<sup>th</sup> minutes, per Mr. Hashem’s request and per the discussion by the Board, include the clarification that he had intended to say the reverse of what he said in April.

“Mr. Hashem, via a May 26<sup>th</sup> e-mail circulated to Planning Board members, the selectmen, and the fire chief, has now described the relevant portion of the draft May 20<sup>th</sup> minutes as an “editorial” that he finds “offensive” and that “it seems like” he is “being called a liar”.

“I most certainly did not state or in any way imply that Mr. Hashem is a liar. I simply included in the May 20<sup>th</sup> draft minutes, per what I understood to be Mr. Hashem’s request and per the Board’s consensus, a simple statement that Mr. Hashem noted that he had intended to say the opposite of what he said on April 15<sup>th</sup>.

“It is very unfortunate that what should have been a routine clarification of intent has inexplicably become an acrimonious controversy.”

Mr. Buckley offered to read the transcript appended to his prepared statement, and/or to actually play the recording, but did not have the opportunity to do so other than later quoting a two sentence excerpt. The transcript cited in his statement is included these minutes as Attachment A.

Mr. Hashem, instead of addressing the May 20<sup>th</sup> minutes, returned to the subject of the April 15<sup>th</sup> minutes. At the May 20<sup>th</sup> review of those minutes, Mr. Hashem had asked that the report of his suggestion that a computation of Webster’s fair share of workforce housing might best be done in response to rather than in anticipation of a legal challenge be changed because he had

intended to say the opposite. Mr. Buckley had asserted that the report was correct, that changing the minutes to what he intended to say would not be appropriate, but that a clarification of his intent in the May 20<sup>th</sup> minutes would be appropriate. The Board, seemingly under the impression that the matter would be thus resolved, had voted unanimously to approve the 15 April minutes with a couple of unrelated revisions but otherwise unchanged. Mr. Hashem nonetheless complained that the report of what he said on April 15<sup>th</sup> had not been changed, that the report was incorrect, and that Mr. Buckley had “proven to be not a reliable recorder.” Mr. Buckley noted that this was the first time that Mr. Hashem or anyone else had asserted that the statement in the April 15<sup>th</sup> minutes was incorrect, and that any such assertion would have been duly reported in the minutes of the meeting in which it occurred.

When it became evident that the discussion on this topic was not close to a conclusion, the Board opted to table the matter until other matters on the agenda were attended to.

The Board considered a proposal from John and Rebecca Little for a lot line adjustment involving the transfer of 10.573 acres from Lot 9-18-2 to Lot 9-18-4. Alternate Cummings, an abutter, recused himself from the discussion. Acting chairman Doucette designated alternate Roman to serve in his stead. Mr. Little noted one possible problem... the land at the southerly end of the proposed new property line might be too swampy to permit the proper setting of a granite bound. He asked if a steel pipe would be acceptable if that proves to be the case. Mr. Buckley said that the Board would prefer an offset granite bound, preferably on one of the intersecting property lines, to a pipe in a swamp. Alternate member Cummings, speaking as an abutter and not as a Board member, expressed no reservations about the proposal. No other citizens offered comment. After due deliberation, upon motion made by Ms. Roman and seconded by Ms. Rauth, the Board voted unanimously to approve the proposal, with the use of an offset marker if required, subject to setting the bounds, submission of final Mylars, and walking the bounds.

The Board turned again to the subject of workforce housing. Ms. Roman began the discussion by suggesting that a good first step would be to focus on hiring a professional to address the fair share issue. She noted that we have a proposal from Bruce Mayberry to perform an appropriate study. She suggested that this approach would be best for the Town and wondered if we could make an immediate go-ahead decision. Questions were raised about whether or not there are sufficient funds in the budget to cover Mr. Mayberry's estimated fee of \$3,500 to \$5,000. It was also noted that the proposal seemed to cover some topics for which we have other sources for relevant data, and that the scope of Mr. Mayberry's proposal might be correspondingly reduced. Ms. Roman noted that there are two plausible courses of action: Begin with a fair share analysis or go directly to an ordinance change designed to give us some control over the shape, look, and location of workforce housing in Webster. She noted that, in the absence of such an ordinance, a developer, with “builder's remedy” support from the Court, would be free to do almost anything he wants, e.g. put a residence on every half acre. The discussion concluded with a unanimously approved motion to invite Mr. Mayberry to the July Board meeting.

There was a brief discussion on the subject of site plan reviews for home businesses. There is some question about whether or not such reviews are required. ZBA chairman Marty Bender reportedly thinks they are. Planning and Zoning Secretary Mary Smith suggested that, if such reviews are required, a considerably simplified form is needed. It was the Board's consensus that the matter should be tabled until Chairman Broker is present, and that Mr. Bender should be invited to make his case.

The Scenic Byway commission has been seeking a letter of support from the Town and the appointment of Town representatives to the commission. The matter had been referred to the Board by the selectmen to explore the issue of possible obligations that might ensue. The letter of support is apparently of little import at this point, and need not be an issue. Ms. Roman repeatedly emphasized that no financial obligation can result from the Town's participation, and in fact that no Byway-related actions can be taken in Webster, without Town approval. The Board agreed to recommend to the selectmen that it is to the Town's advantage to participate in the commission even if only in a watchdog, information-gathering capacity, and that the

selectmen appoint one or more representatives. Jay Bowe and Ellen Cilley were mentioned as possible candidates.

A "review of driveway regulations" was on the agenda, but the Board moved to table the subject until Chairman Broker is present.

The Board then turned again to the issue of meeting minutes. Alternate member Cummings made and Mr. Hashem seconded a motion to table the issue until the Board's July meeting. Before a vote was taken, Mr. Hashem read the following statement from Tom Mullins, sent via e-mail to Ms. Smith earlier in the day:

"I believe that George Hashem may question Mr. Buckley's version of his (George's) remarks relating to workforce housing where Mr. Buckley has written in his revised minutes that he is including for clarification Mr. Hashem's intended meaning he continues to claim that his (Buckley's) original reported version was correct.

"This is not the case. I was at the meeting & am certain that Mr. Hashem stated his position as he now recalls & not as Mr. Buckley reports.

"Mr. Buckley's reporting in this instance represents Mr. Hashem's position as falsely as did his earlier reporting of my position on the PB's procedure for the election of it's officers & gives the public a false impression of our positions. I object strongly to this misleading minute taking.

"I would ask that this email be read into the PB minutes."

Mr. Buckley neither was asked for nor volunteered an immediate response to Mr. Mullins' accusations.

The motion to table the issue until July was then passed. Mr. Buckley cast the lone dissenting vote, noting that he was not sure how waiting a month would make resolution of the dispute any easier.

By unanimous consent, the meeting was adjourned at 7:53 p.m.

The next Board meeting will be at 7:00 p.m. on 15 July 2010.

Respectfully submitted,

Jere D. Buckley, Secretary

## ***Attachment A to June 17<sup>th</sup>, 2010 Planning Board Minutes***

Transcript of the portion of the May 20<sup>th</sup>, 2010 Planning Board meeting dealing with the last major paragraph in the draft minutes of the April 15<sup>th</sup> meeting. That paragraph reported a discussion of workforce housing issues, cited Mr. Mullins' suggestion that a do-it-yourself fair share computation would be less defensible than one prepared professionally, cited Mr. Hashem's suggestion that we investigate the cost of a professional computation, and cited his suggestion that such a computation might best be undertaken only in response to a challenge, not in anticipation of one.

GH = George Hashem; SRa = Sue Rauth; JB = Jere Buckley;  
MD = Mason Donovan; RD = Rich Doucette; SRO = Susan Roman

GH: We were talking about the professional computation. I thought my point was to worry about if we're going to get challenged... can we avoid... I thought it was just the opposite point to have the thing done professionally in case we did get challenged, because it would be...unless I'm having a memory problem... but wasn't it... wasn't that the point? I felt I'd rather have a professional defend the computation than us do one off the... off the cuff.

SRa: I think that's what it says.

GH: Does it? It suggests that such a computation might be undertaken only in response to a challenge. That implies do it after you get challenged? Maybe I'm reading this wrong. Not in anticipation of one. That's 180 degrees from what I thought I was saying, but maybe I didn't get it across.

JB: You did say... You did say, "[unintelligible] only if challenged".

GH: I thought the drift was that, you know, I wouldn't want to do it internally. Not being a professional, I'd rather have, you know, somebody who could defend it.

MD: I think the confusion was that, we were saying that although if we did it - and this may be where the confusion lay - is that we were talking about if it was done now we would have to redo it if there was a challenge, so I think the confusion was when do you do it. You were always at the fact point - I remember it - that it should be done professionally. But I think the confusion is when it should be done.

GH: OK. [unintelligible] because I thought we were talking about us doing something first.

RD: Yeah, they were asking you if you would jump in on it with your experience...

GH: I don't have any experience.

RD: and you said no, that it should be done outside, but then the question was when.

GH: Right

RD: What you recommended was, do we do it now and in two months, even if it could be done that quick, if we had a challenge we'd have to do it again.

[Several simultaneous and unintelligible comments from several participants.]

GH: [unintelligible] would be more defensible if we had a professional do it. That's what I meant.

SRO: So you're saying in the last sentence you meant the opposite of what you said.

GH: I think so.

SRO: If that's what you intended, then it should be...that's what should be said.

JB: What should be in here is what he said, not necessarily what he intended.

SRO: Well, that's correct, let's say what he intended to say. [More simultaneous comment from multiple participants.] That's OK, just say what he intended to say.

GH: [Unintelligible]

SRO: It's hard to capture all of that. Everybody was having [unintelligible].

GH: The gist was you wanted me to do it and I said well I'm not a professional enough to do it... and you suggested I do it.

[More unintelligible simultaneous comments. Laughter.]

JB: Let me try to understand what your intention was, George, so I get it right this time.

SRo: Just say the opposite of... that what he intended was that such a computation might best be undertaken in anticipation of a challenge rather than in response to a challenge. He meant to say the opposite. So let's just... [unfinished sentence, followed by discussion of other topics]