

## **Webster Planning Board**

### **Minutes - Meeting of September 16, 2010**

Present: Chairman Clifford Broker; Selectman member George Hashem; members Jere Buckley (secretary), and Tom Mullins; and alternates Richard Cummings, Sue Rauth, Susan Roman, and (by telephone) Mason Donovan. Also present: Planning and Zoning Secretary Mary Smith and several residents and applicants.

Chairman Cliff Broker convened the meeting at 7:00 p.m. He designated alternate member Cummings to serve in voting capacity in the absence of member Richard Doucette.

Attendance was taken, with the results noted above.

Anticipating some extended discussion on the subject, the Board opted to defer review of prior meeting minutes until other agenda items had been addressed.

The Board considered a proposed lot line adjustment involving Lots 6-1 and 6-5 on Pleasant Street. After some discussion, it was determined that Lot 6-1, owned by Roy T. and Denise Frost, consists of two separately described tracts and that the applicants' intent is to transfer one of those tracts to Adam E. Mock, owner of abutting Lot 6-5. Ms. Smith reported that the Local Government Center had advised that, since the property has for many years been taxed as a single lot without question or challenge from the owner, a lot line adjustment is the proper means of accomplishing the applicants' aims. Nevertheless, the Board concluded that Mr. Mock can simply purchase the tract to be transferred, retaining the same deed description as now exists, and that no lot line adjustment is necessary. A motion to that effect made by Mr. Cummings and seconded by Mr. Mullins was passed unanimously. Mr. Mock expressed some dismay about the expenses that had been incurred as a result of prior indications from Town personnel that a lot line adjustment was required. Ms. Smith appealed for some guidance on how similar future situations should be handled, and was advised that applicants should be referred to an attorney or to the Board for guidance. Mr. Mock indicated an expectation that he will receive separate tax bills for his original Lot 6-5 and for the tract to be acquired from the Frosts. There was inconclusive discussion on whether or not that will be the case. There was additional inconclusive discussion about how to deal with lots composed of separately described tracts.

The Board then turned to consideration of a 3-part proposal from consultant Bruce Mayberry for a review of the Town's position relative to workforce housing legislation. Members Mullins and Hashem and alternate Cummings expressed concern about the expenditures involved (\$1,650 for Part 1, a Proportionate Share Analysis; \$1,850, a Review of Land Use regulations; and \$1,250 for Part 3, a Profile of New Construction in Webster).

Mr. Broker suggested the possibility of funding just Part 1, at least initially.

Mr. Buckley asked if sufficient funds for any contract with Mr. Mayberry are available. He was advised that there are ample funds budgeted under the Consulting fees heading, but that they were included in the budget on the basis that any consultant fee would be reimbursed by applicants. Since this would not be the case for the proposed study, the propriety of using the budgeted funds in that way was considered to be questionable.

Mr. Hashem noted that "we don't know the rules yet" for determining workforce housing compliance and that we might be better off waiting until those rule have been established. He suggested that we might do better to focus on the current zoning ordinance provision that "mother-in-law apartments" are limited to blood relatives – a provision regarded as unenforceable and as in potential conflict with workforce housing legislation. Mr. Mullins suggested that "mother-in-law apartments" should be allowed only as part of primary residences, not as separate structures. Mr. Cummings suggested that their size relative to the primary residence could be limited.

Mr. Cummings renewed his suggestion that we address the multi-family housing requirement by allowing such housing only under commercial exception regulations.

Ms. Roman, concerned about the prospect of doing nothing in anticipation of a workforce housing development application, said, "What if someone proposes to put 100 houses on 100 acres? Do we go to court or do we allow it? That question precipitated some discussion about the minimum lot size that could comply with other provisions of the ordinance. Ms. Roman re-phrased her question in terms of 50 houses on 100 acres. The question was never explicitly answered, other than suggestions that such a circumstance will never happen.

Mr. Donovan suggested that Ms. Roman's question is moot if Webster already meets its fair share requirement. Ms. Roman responded that nobody knows if that is the case or not.

Mr. Mullins again voiced his opinion that Webster is an unlikely target for a workforce housing development.

Mr. Cummings suggested that, with all the infrastructure that would be required, a development of 50 houses on 100 acres could not be built to affordable housing requirements. Mr. Hashem echoed that sentiment.

Mr. Mullins indicated that he is particularly concerned by the prospect of workforce housing developments with shared water and/or sewer facilities, the possibility of such facilities failing, and the potentially disastrous impact of such failures on Town finances.

Ms. Roman indicated concern that we will be putting the Town at risk of a lawsuit if we choose not to seek the kind of professional support Mr. Mayberry is offering and rely solely on our own uncertain assessment of the extent to which we meet fair share requirements.

There was much discussion re approving all or parts of Mr. Mayberry's proposal. Ms. Roman argued in favor of doing at least Parts 1 and 3. Mr. Mullins suggested that Part 3 could produce meaningless results given the unavailability of rental information. Ms. Roman responded that a lack of information on rental housing should not be used as an argument for not studying ownership housing.

Upon motion made by Mr. Hashem and seconded by Mr. Mullins, the Board voted unanimously to approve funding of just Part 1 of Mr. Mayberry's proposal... at least for now. It was agreed that Ms. Smith will convey that decision to Mr. Mayberry.

The Board briefly considered the topic of the Planning and Zoning budget. For 2011, they suggested addition of a separate line in the amount of \$3,100 for consultants' fees in anticipation of possible 2011 funding of Parts 2 and 3 of Mr. Mayberry's proposal. They suggested that the 2011 budget otherwise duplicate the 2010 budget.

Mr. Mullins advised that new legislation requires that the Board establish rules defining the nature of participation by alternate members. The Board's rules of procedure will have to be modified to comply with that requirement. It was the consensus of those present that the procedures should be modified to codify the Board's established practice of seating alternate members at the table and encouraging their participation in all aspects of Board activities other than voting.

Mr. Mullins also noted that new legislation prevents municipalities from compelling lot mergers.

The Board approved a suggestion by Mr. Broker to publish a reminder regarding driveway regulations in the *Grapevine*.

The Board then returned to the subject of meeting minutes.

Mr. Buckley advised the Board that, when asked to sign the version of the April minutes approved by majority vote of the Board over his objection, he had written "See attached sheet" on the usual signature line and attached a separate sheet with his signature and an indication that said signature should be regarded as certification that the minutes are as approved by majority vote of the Board but should not be construed as his endorsement of the contents of

the minutes. This prompted a number of questions about whether or not that action was proper. Some members indicated an intention to research the matter. Mr. Buckley insisted on his right not to sign without qualification minutes that he regards as inaccurate.

The Board then turned to the minutes of the July meeting.

At the August meeting, Mr. Mullins noted that the draft minutes of the July meeting did not include the text of a statement that Mr. Buckley had read towards the end of that meeting. Further review of those draft minutes was tabled pending review of the matter.

Mr. Buckley noted the paragraph in the draft July minutes that had prompted Mr. Mullins' comment, and agreed that it was a significant distillation of what he actually had read. He described that paragraph as an example of the judgment call any secretary makes every time he or she stops short of a verbatim transcript, attempts to identify what is substantive, and seeks the best way to summarize and report it in meeting minutes. He suggested that the only way to avoid those judgment calls on the part of the secretary is for the minutes to consist of a verbatim transcript of the entire meeting. He opined that nobody wants that.

He also suggested that the distilled paragraph was, to a degree, influenced by criticisms that meeting minutes have been too extensive, too detailed, and sometimes needlessly inflammatory.

In response to Mr. Mullins' observation, he offered for the Board's consideration a "second draft" version of the July minutes in which the distilled paragraph is replaced by a verbatim transcript of what he said at that point in the meeting.

He said he was aware that part of what he said may be regarded by some as inflammatory. He asserted that not to have been his intent, saying that he was seeking, perhaps imprudently, to suggest an explanation of why he seemed to be the target of criticism altogether disproportionate to what he considered to be relatively inconsequential matters.

He indicated that he still preferred the distilled and non-inflammatory original-draft version but that, if a majority of the Board preferred the second-draft version, he would have no problem going along with that decision.

Further review of the July minutes was tabled pending member review of the 2<sup>nd</sup> draft submitted by Mr. Buckley.

Mr. Buckley's statements prompted a discussion of when statements made at the meeting should be included verbatim in the minutes of the meeting. After some discussion, it was agreed that, when a speaker explicitly identifies what he is saying as a prepared statement, that statement should be submitted in writing to the secretary and included verbatim in the minutes. Notes prepared by the speaker, even if sometimes actually read, need not be so reported.

Given those ground rules, Mr. Buckley noted that, early in the July meeting, he had explicitly stated his intention to make a prepared statement and that only the part pertaining to Mr. Mullins' comment was included verbatim in the 2<sup>nd</sup> draft minutes. He indicated that, in order to comply with the agreed-upon ground rules, he would have to generate a 3<sup>rd</sup> draft of the minutes including verbatim all of the prepared statement he had managed to read. He also noted that there were parts of his prepared statement that he did not have an opportunity to read.

The Board then turned to a review of the August minutes. After due deliberation, upon motion made by Mr. Hashem and seconded by Mr. Mullins, those minutes were approved as written.

There was a brief discussion about attendance at Board meetings.

Upon motion made by Mr. Hashem, seconded by Mr. Mullins, and unanimously approved, the meeting was adjourned at 8:24 p.m.

Respectfully submitted,

Jere D. Buckley, Secretary