

Webster Planning Board

Minutes - Meeting of July 15, 2010

Present: Chairman Cliff Broker, selectman member George Hashem; members Jere Buckley (secretary) and Tom Mullins; and alternates Susan Roman, Thomas Godfrey, and Mason Donovan. Also present: Selectman George Cummings, Planning and Zoning Secretary Mary Smith, and several residents and applicants.

Chairman Broker convened the meeting at 7:02 p.m. He designated alternate member Roman to serve in voting capacity in the absence of member Richard Doucette.

Attendance was taken, with the results noted above.

The Board began with a conceptual discussion of a proposed six-lot subdivision of the 110-acre Lot 7-60 on Dustin Road. Surveyor Arthur Siciliano represented owner/trustee Leslie Syvertsen. The proposed layout showed six generally rectangular lots, five with frontages ranging from 254 feet to 282 feet and one with frontage of 345 feet, all with depths in on the order of 2,850 feet. Tentative residence, well, and septic field locations were shown for each lot, all quite close to the road because of the steepness of the terrain further from the road. Mr. Buckley noted the "bowling alley" configuration of the proposed lots and asked if any consideration had been given to conserving the rear portion of the property, which overlooks Ox Pond. The applicant indicated some receptivity to the idea, but said that no specific ideas had been explored. It was noted that the 50-foot front setbacks shown for the proposed lots do not comply with the current 100-foot requirement. There was also considerable Board concern about the steepness of the terrain, the suitability of soil types for septic systems, and the feasibility of constructing driveways that meet fire code requirements. It was suggested that the applicant revise the plan to comply with setback and all other current requirements and to review proposed driveway configurations with the Fire Chief.

The Board then turned to the issue of meeting minutes. Mr. Buckley indicated an intention to make a prepared statement. Mr. Broker, who had not been present at the June meeting, asked that there first be an update on the subject and made a plea for mutual good will on the part of all participants. He suggested that recent minutes might have gone into too much detail. He questioned the inclusion of actual quotations. A lengthy ensuing discussion addressed the issue of when and how corrections to the draft minutes should be made. Mr. Hashem repeated his dismay that the April minutes had not been revised to report what he now recalls he said re the timing of a fair share computation instead of what the minutes reported he said.

Mr. Buckley then began his prepared statement, saying that he felt compelled to respond to on-the-record aspersions re his competence, his motives, at least by insinuation his integrity, and his alleged effort to promulgate a "pattern of deception". He re-iterated his conviction that the April minutes accurately reported what Mr. Hashem had said on the subject of the timing of a fair share computation. He noted Mr. Hashem's clarification in the May meeting of what he meant to say, cited the principle that minutes must report what actually was said not what might have been intended, and noted the apparent agreement in May that Mr. Hashem's clarification should be included in the May minutes. He further noted that Mr. Hashem had not disputed the accuracy of the April minutes until the June meeting when, rather than saying he had inadvertently misspoken, he claimed he did not say what the minutes reported.

Mr. Buckley, in order to validate what he was saying and to dispel suggestions that he could have improperly edited the previously released transcript, attempted to play a recording of the relevant portion of the May meeting. He was prevented from doing so by an extended and often rancorous discussion of a range of minutes-related issues.

Mr. Hashem continued to object to the fact that the April minutes had not been changed to reflect what he at first indicated he meant to say or what he now remembers he actually said. Mr. Buckley remained convinced that he accurately reported what was actually said. He

asserted that there was clear agreement at the May meeting that the April minutes would not be changed in that regard, that the April minutes had been approved by unanimous vote on that basis, and that the May minutes would include Mr. Hashem's clarification. He contended that playing the relevant portion of the recording of the May minutes would support those statements. Mr. Hashem said he did not want to listen to the recording.

Mr. Mullins noted that the draft version of the April minutes, in conjunction with what was later determined to be an incorrect reference to the RSAs as the basis for statements made by him re the election of Board officers, had included a parenthetical reference to the content of said RSAs. He considered that inclusion to be "gratuitous". Mr. Buckley said that his intent had been to supply relevant supplemental information, but agreed that doing so in the context of the minutes was not appropriate.

Mr. Hashem made a motion to change the April minutes to report that he said that a fair share computation might best be made in anticipation of a legal challenge, not in response to such a challenge. There was considerable discussion of that motion. The secretary is unable to discern from the recording who seconded the motion but somebody apparently did. The secretary believes the intent to have been that, if the motion were passed, the minutes thus revised would become the new 'final' minutes', the 'final' minutes unanimously approved in May would revert to 'second draft' minutes, and all three versions would remain in the official files. When a vote was eventually taken, Mullins and Hashem voted in the affirmative. Ms. Roman abstained. Mr. Buckley voted 'No' based on his conviction that the minutes thus revised would no longer be a factual description of what was actually said.

Mr. Broker then raised the issue of the Planning Board meeting highlights submissions Mr. Buckley has been making to the *Grapevine*. He said that those submissions may not represent the opinion of the Board and tend to be inflammatory. Mr. Mullins echoed the sentiment, suggesting that the submissions tend to reflect Mr. Buckley's personal opinions. Subsequent discussion revealed that some persons were confusing a *Grapevine* letter Mr. Buckley had written, as a citizen not as a Planning Board member, criticizing actions taken by the Selectmen. Mr. Buckley said that his 'highlights' submissions have been intended to provide Webster citizens with a relatively readable summary of newsworthy Board activities, stripped of irrelevant and routine detail. He tried to force the issue by making a motion that the secretary be instructed to no longer submit highlight summaries to the *Grapevine*. There was no second. The discussion continued and it became evident to the secretary that there was little or no Board support for the highlight summaries. Mr. Buckley asked that the matter be put to a vote. When that did not happen, he asked if anyone on the Board had any objection to discontinuance of the highlights submission. No Board members responded. Mr. Buckley then stated that he will make no further submissions to the *Grapevine* in his role as Board secretary, leaving the *Grapevine* publisher to rely on the publicly available minutes or whatever other sources she deems appropriate.

Mr. Buckley then read the following portion of his prepared statement:

"I work hard on generating quality minutes of Planning Board meetings, and take some pride in the belief that I do a good job of it. I always strive to be factual, objective, and to report all sides of disputed issues.

"I certainly do not claim to be infallible, especially given meeting environments often characterized by multiple people talking simultaneously and few people listening.

"I will always be receptive to correction of factual errors when I'm convinced they have occurred. For example, I readily agreed to correct the minutes when Mr. Mullins explained that I had misunderstood the basis for statements he made about the election of Board officers. However, that did not dissuade him from later citing that issue as one of the two he characterized as establishing "a pattern of deception" on my part.

"I will always be receptive to the correction of errors of omission if I have neglected to report something that is arguably substantive.

"I will not be receptive to the deletion of factual material just because someone, for whatever reason, would rather it not be reported.

"I will not report things that may have been meant or intended but were not actually said or did not actually happen.

"Once again, I am dismayed and puzzled that what should have been a routine clarification of intent has become a source of major contention and criticism.

"For whatever reason, I seem to have become the focus of the same kind of mean-spirited vendetta that was brought to bear on Brian Milano and the Schindlewigs. Fortunately, in contrast to those cases, neither my career nor my livelihood is on the line. I will not be intimidated, and I will continue to perform the duties of Planning Board Secretary to the best of my ability.

"I earnestly suggest that we cease debating the already-approved April minutes. I'm not sure we could legally change them now if we wanted to. At the very least, the present version would have to stay in the official record.

"Let's review the May and June minutes, approve them with whatever changes are agreed upon, and get back to doing meaningful Town business."

There was additional lengthy discussion of how the April minutes should have been handled, but no new ground was covered, no new points were made, and no minds were changed.

The Board then turned to the subject of whether Bruce Mayberry should be invited to attend the Board's August meeting to discuss the consulting services he might provide to us on the workforce housing issue. There was no question about the wisdom of seeking professional assistance, but there were concerns about the cost of having him travel from his home in Maine to attend our meeting. Mr. Donovan suggested that he be invited to participate by telephone rather than in person, thereby saving the travel costs. There was Board consensus that that is a good idea, and Ms. Smith was instructed to propose to Mr. Mayberry that he participate in our August meeting by telephone.

Ms. Smith reminded the Board of a discussion some time ago in which David Blodgett had approached the Board with questions about whether or not two abutting tracts taxed as a single lot were in fact two lots. The first of the two tracts had an existing residence, the second was undeveloped. The Board had not answered the question, referring Mr. Blodgett instead to the selectmen and/or legal counsel. Ms. Smith now reports that the previously undeveloped second tract has been sold and built upon and Mr. Blodgett is requesting signature of a letter to be filed with the Registry attesting to status of the two tracts as separate lots. The Board, noting that they had not approved any subdivision separating the two tracts, concluded that this is a Board of Selectmen issue, not a Planning Board issue.

Mr. Buckley recalled that, at the June meeting and in response to a request from the selectmen, the Board had recommended that the selectmen appoint one or more members to the Scenic Byway Commission. As a point of information, he reported that the selectmen had chosen not to follow that recommendation, noting instead that the Commission meetings are public and that any interested person is free to attend.

Mr. Buckley asked if review of the May and June Board minutes was being deferred. Chairman Broker replied in the affirmative.

Upon motion made by Mr. Hashem, seconded by Mr. Mullins, and unanimously approved, the meeting was adjourned at 8:47 p.m.

Respectfully submitted,

Jere D. Buckley, Secretary