

Webster Planning Board

Minutes - Meeting of December 16, 2010

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

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

Attendance was taken, with the results noted above.

Mr. Buckley stated for the record that, although Mr. Doucette's name had been inadvertently omitted from the list of attendees in the minutes of the October Board meeting, Mr. Doucette did attend that meeting.

The Board reviewed the November minutes. Mr. Mullins questioned the use of the word "summarily" to describe some actions by the Chair. Mr. Buckley opined that to be an accurate reflection of what took place. Upon motion made by Mr. Hashem and seconded by Mr. Doucette, the minutes were unanimously approved as written.

Mr. Buckley reported additional input from Paul Sanderson at the Local Government Center. Mr. Sanderson agreed that his previously reported advice that there should never be revised versions of the original minutes (those made available to the public within the required 5 business days) presumed that the original version was being purged from the official files. He further agreed that the Board's policy of retaining both the original draft and a final, approved version in the official files is acceptable.

The Board then turned to the subject of a 6-lot subdivision proposed by the Phyllis Roby Revocable Trust for the ~150-acre Lot 7-60 on Dustin Road. Upon assurance from Ms. Smith that the application was complete, and upon motion made by Mr. Hashem and seconded by Mr. Doucette, the Board voted unanimously to accept the application for consideration. At 7:15 p.m., Chairman Broker opened a public hearing on the proposal. No abutters were present and there was no public comment. Mr. Buckley expressed concern about the apparent fast-tracking of the Board's *Meeting Procedures*, which call for an initial meeting to review a subdivision application and, if the application is approved, scheduling of a public hearing of the proposal "typically in conjunction with the next regularly scheduled WPB meeting". While acknowledging that there had been a conceptual discussion of this proposal at an earlier meeting, he suggested that conducting a public hearing and voting to approve a subdivision proposal, especially for a major subdivision, within minutes of seeing the completed application is an unwise 'rush to judgment'.

Surveyor Art Siciliano represented the applicant. He presented plats that had been modified to comply with setback requirements and to show septic system and driveway designs for each of the 6 lots. Mr. Buckley noted and confirmed with Mr. Siciliano that one of the lots actually abuts Ox Pond. (The Webster Property Tax Maps show it approaching but not quite reaching the shoreline.)

Mr. Buckley noted that the possibility of putting the rear portion of the property into some kind of conservation easement had been raised during the earlier conceptual discussion, and asked Mr. Siciliano if this topic had been given any consideration. It was evident that it had not.

Mr. Mullins and others noted that the property is far from water sources appropriate for fire fighting and that sprinkler systems, a fire pond, or water cisterns will be a required adjunct of any development on the property. Mr. Siciliano indicated that the applicant is aware of this and has already opted for the sprinkler system option. It was agreed that this requirement will be added to the plat and made a condition of subdivision approval.

There was a discussion about potential drainage problems onto or across Dustin Road. A neighbor across the road has reportedly already had problems, and a culvert crossing the road in that area appears to be substandard. The Board concluded that there is no practical way we can or should try to solve a problem that may or may not exist, and must instead rely on our authority to require corrective action by the offender if problems arise.

Upon motion made by Mr. Mullins and seconded by Mr. Doucette, the Board voted unanimously to approve the 6-lot subdivision subject to inclusion on the plat of a requirement for sprinkler systems approved by the Code Enforcement Officer, submission of final Mylars, and walking the bounds. Mr. Buckley noted that his affirmative vote had been cast "with reservations" because of the limited opportunity to study the details of the proposal.

The Board then had a lengthy discussion about proposed Zoning Ordinance changes concerning accessory apartments. A draft of proposed changes had been submitted to Board members for their consideration prior to the meeting. Mr. Buckley had submitted a detailed analysis of and proposed revisions to that draft, but his work received little notice during the meeting.

It was agreed that the requirements for accessory apartments added to existing structures and those created via new construction, and there is thus little reason to address them separately in the ordinance.

Mr. Broker wondered if it is sensible, by prohibiting accessory apartments in detached structures, to prohibit guest houses associated with high-end residences.

Ms. Roman questioned the deletion of a minimum lot size requirement as a condition for an accessory apartment, noting that the absence of such a restriction invites density increases that could be incompatible with the kind of town sought by Webster residents. She also suggested that there could be significant associated tax revenue issues. Mr. Mullins, while noting those concerns, said that a lot size restriction could be a significant hardship for someone with a small lot and a legitimate need, for example, to provide housing to an elderly family member. The Board eventually concluded that the lot size restriction should be restored but made subject to ZBA variance on a case-by-case basis.

Mr. Hashem left the meeting at 8:30 p.m., saying that he had other things to do.

The Board deemed the scope of the discussion to be too extensive to permit an immediate vote on the proposed ordinance changes. Instead, Mr. Donovan was tasked with re-drafting the proposed changes based on the evening's discussion and to distribute the new draft to Board members for their consideration. Conscious of looming deadlines if ordinance changes are to be considered at the 2011 Town Meeting, the Board scheduled a special meeting to review Mr. Donovan's draft on 30 December at 7:00 p.m.

Board members were made aware of, and received copies of, two petitioned warrant articles dealing with campground topics. Such warrant articles must include an indication of whether or not they carry Planning Board approval. The decision on whether or not to grant such approval was deferred until the January meeting.

Discussion of proposed Meeting Procedures revisions, a scheduled agenda item, was deferred to the January meeting

Upon motion made by Mr. Mullins, seconded by Mr. Doucette, and unanimously approved, the meeting was adjourned at 8:51 p.m.

Respectfully submitted,

Jere D. Buckley, Secretary

