

**TOWN OF WEBSTER  
PLANNING BOARD  
MEETING MINUTES DECEMBER 15, 2011**

At 7:00 p.m. Chairman Buckley convened the regular meeting of the Webster Planning Board by welcoming M.J. Turcotte as a newly appointed alternate. Mrs. Larson took attendance. Present were members Chairman Jere Buckley, Tom Mullins-Board Secretary, George Hashem-Selectman member, Richard Doucette, and Sue Rauth. Alternates in attendance were Richard Cummings, Sue Roman, Mason Donovan and M.J. Turcotte.

The first order of business was the review of the draft of the October 20<sup>th</sup> meeting minutes. Chairman Buckley clarified that when the Board voted him in as Chairman, the minutes state the vote was "three to two in favor" making it seem that two abstentions were two negative votes. Chairman Buckley proposed a new sentence, "Mr. Buckley was thus elected as Chairman." The Board had no other comments and voted unanimously to accept the minutes as amended.

The next order of business was the review of the draft of the November 17<sup>th</sup> meeting minutes. Chairman Buckley commented that the third paragraph on Page 2 was not as clear or complete as it could be. Chairman Buckley proposed to replace the entire paragraph with one that he composed. The Board had no other comments and voted unanimously to accept the minutes as amended.

At this time Chairman Buckley made a few introductory comments to explain the Planning Board's procedures for reviewing applications and conducting public hearings in general. Also, for a point of information, Chairman Buckley stated that with regards to the next item on the agenda, the Site Plan Review Application for the Mellen Company, that the Commercial Exception Application for same was approved by the Zoning Board of Adjustment at the November 8, 2011 meeting and public hearing.

At 7:10 p.m. Chairman Buckley asked Mrs. Larson if the Site Plan Review Application for the Mellen Company was complete with all required fees paid to which she answered in the affirmative. Mr. Mullins made a motion to accept the application which was seconded by Mr. Doucette with the Board voting unanimously to accept the application.

At 7:11 p.m. Chairman Buckley opened the scheduled public hearing for Site Plan Review Application #11-05 from the Mellen Company for the Webster plant location on Tax Map 3 Lot 60 at 1260 Battle Street, to construct a 21 foot by 18 foot garage on the north end of the building.

Chairman Buckley began the public hearing by recognizing Faith Anderson, the agent representing the applicant, the Mellen Company. Mrs. Anderson stated that the company would like to add on a 21 foot by 18 foot garage on the north end of the building before

the snow flies. It will be unheated and used for storage. There will not be any lavatory facilities but it will have electricity for inside lighting. Mrs. Anderson finished her presentation by stating the garage will have a shed-type roof in order for snow to slide off into the parking lot without hindering Battle Street.

At this time, Chairman Buckley asked for any questions or comments from members of the Board.

- Mr. Cummings wanted to know if the garage would be a single story, to which Mrs. Anderson responded in the affirmative.
- Mr. Donovan wanted to know if any vehicles would be stored in it. Mrs. Anderson said they may put a forklift in there, but most of the time that piece of equipment is usually stored in the heated part of the basement. Other than that, there would be no other storage of vehicles.
- Mr. Doucette asked if the forklift was fueled by propane to which Mrs. Anderson stated that it was not; it was fueled by gasoline.

At this time there were no other questions or comments from the Board. Chairman Buckley opened the public hearing to the public for comments either in favor of or opposed to the application, of which there were neither.

At 7:15 p.m. Chairman Buckley officially closed the public hearing. The Board reviewed the proposal and Mrs. Anderson's presentation. Mr. Mullins commented that he found the application to be very straightforward and the blank items on the checklist just did not apply to this particular Site Plan Review Application. Chairman Buckley agreed. Mr. Mullins made a motion to approve the application. Mr. Hashem seconded the motion with the Board voting unanimously in favor.

The third item on the agenda was the appointment of a Planning Board member to the Hazard Mitigation Committee. Mr. Donovan volunteered his services on behalf of the Planning Board. The first meeting of the committee is January 11, 2012 at 6:00 p.m. at the Webster Town Hall.

The fourth item on the agenda was to discuss membership in the Central New Hampshire Regional Planning Commission. After a brief discussion, the Board agreed not to rejoin the Commission. Chairman Buckley stated he would inform the Board of Selectmen that the Planning Board will not support joining the CNHRPC due to budget concerns and cost effectiveness.

The last two items on the agenda referred to 1) Chairman Buckley's November 29, 2011 e-mail regarding Planning Board Policies (copy attached) and 2) a draft of the Webster Planning Board Rules of Procedure Amendment. Before the discussion began, Mr. Cummings made a suggestion that prior to reviewing applications, the Board should do site visits in order to have a better understanding of the applications. Chairman Buckley did agree that the Board should be as educated as possible for each of their meetings.

Mr. Hashem made the point that if Mrs. Larson continues to send out the paperwork to the members ahead of time, then the members could look at the property and garner a better understanding of the application. Another suggestion was made that as soon as Mrs. Larson receives the completed applications, she would get that information out to the Board members as soon as possible before the scheduled meeting.

Chairman Buckley suggested that the Board move on to the draft of the rules and procedures as the policies were in part interfaced with those procedures. After a lengthy and in depth discussion, Chairman Buckley recognized Mr. David Klumb, a member of the public who addressed the Board regarding some amendments to the document that they may want to consider inserting.

At this time the Board decided to continue their review until the next Planning Board meeting of January 19, 2012.

Mr. Doucette made a motion to adjourn and was seconded by Mr. Hashem with the Board voting unanimously in favor.

Meeting was adjourned at 7:42 p.m.

Prepared by,

Therese E. Larson  
PB/ZBA Secretary

/tel

**POSTED December 21, 2011**

## **ADDENDUM to Planning Board Meeting Minutes December 15, 2011**

Date: 29 November 2011

To: Planning Board Members and Alternate Members

From: Jere D. Buckley, Chairman

Subject: PB Policies

I had intended to discuss a number of policy matters at the November Board meeting, but opted to defer doing so until a larger number of members are in attendance. This topic will be on our agenda for the December meeting. In order to expedite things, I am distributing this written summary in advance of that meeting, and will ask that it be appended to the December meeting minutes.

Most of the listed items should be regarded as my recommendations for consideration when we undertake amendment of our 'Meeting Procedures' document.

Please review them and come to the meeting prepared to offer questions or comments.

Jere

### **Chairman's Comments on Planning Board Policies**

#### **Meeting Minutes**

RSA 91-A:2-II states that meeting minutes should consist of "a brief description of the subject matter discussed and final decisions". Clearly, a verbatim transcript or anything approaching that level of detail would not be consistent with that RSA guideline. However, I believe that "a brief description of the subject matter discussed" should include summaries of issues raised during Board deliberations, summaries of positions taken by individual members during those deliberations, and (when votes are other than unanimous) a record of each member's vote. Board members should also be free, *during the course of the meeting*, to make specific recommendations re the content of the meeting minutes.

Clearly, the person responsible for meeting minutes is called upon to exercise judgment and discretion in determining what is substantive and what is not. While the Board may not always agree with those judgments, we have the opportunity to incorporate any amendments we deem appropriate when we review and finalize the minutes.

#### **Chairperson's Voting Status**

Our policy in recent years has been that the chairperson votes only to break a tie.

All members, including the chairperson, have been appointed to make decisions, not to evade that responsibility.

The public has a right to know how all members, including the chairperson, stand on issues before the Board.

Both the LGC and the OEP state emphatically that the chairperson should always vote. I intend to follow that advice, i.e. to make my position known on all issues.

The question is in a sense academic:

My vote will change an otherwise 4-to-0 vote to either 5-to-0 or 4-to-1, i.e. will not change the outcome.

My vote will change an otherwise 3-to-1 vote to either 4-to-1 or 3-to-2, i.e. will not change the outcome.

My vote (along with those of two other members) will determine the outcome of what otherwise would be a 2-to-2 tie.

There is no logical reason to suppress the chairperson's vote, and there is ample reason for the chairperson's vote to be matter of record.

### Abstentions

Again, members have been appointed to make decisions and should not duck that responsibility.

For that reason, LGC counsel asserts that members should never abstain from voting.

If a member is present but for any reason feels he/she should not or cannot vote on any matter before the Board, he/she should disqualify himself/herself per RSA 673:14, and should do so before any discussion of the matter takes place.

If a member disqualifies himself/herself from acting on a specific issue, the chairperson will appoint an alternate member, if present, to act in the place of the disqualified member.

### Tie Votes

Although we have a 5-member Board, there are circumstances that could result in a tie vote... e.g. 4 members present and no alternates available. I can think of several possible courses of action, but the one that makes the most sense to me is to regard the tie as a 'failure to approve' and thus having the same effect as a majority 'No' vote, but to retain the option for re-submission, reconsideration, and a new vote at a subsequent meeting.

### Alternate Member Policy

At least since I have been involved, the Board has always encouraged alternate members to sit at the table and to participate actively in all Board activities except voting unless designated by the chairperson to act in place of an absent or disqualified member. I certainly want to continue that policy. Our alternates bring special expertise, enthusiasm, and new ideas to our deliberations.

I submit just one clarification of our existing policy. Unless an alternate has been designated to serve in lieu of an absent or disqualified member, in addition to not voting, he/she should neither make motions nor second motions.

Another possible caveat: According to the OEP, alternates may actively participate in public hearings but must not participate (in fact must remove themselves from the table) in the ensuing Board deliberations. (I'm not sure if this is just an OEP recommendation or can be linked to an RSA mandate.)

The Board's policy in recent years has been that, when an alternate is needed to act in place of an absent or disqualified member, the chairperson always designates the most senior present alternate. I am aware of no basis for that policy. When designating an alternate to serve in place of a member, I will be influenced by seniority, by attendance history, by demonstrated levels of participation in and contributions to Board activities, by specific relevant skills, and by special circumstances. For example, if an alternate is

needed for continuing consideration of a topic discussed at a prior meeting, I will select an alternate who was present at that prior meeting over a senior alternate who was absent.

#### Expedited Actions

The present *Meeting Procedures* specify that the **public hearing required for a subdivision application** (and by implication the ensuing WPB decision) is to be scheduled “typically in conjunction with the next regularly scheduled WPB meeting”. There is no indication of when or how there can or should be any departure from that “typical” schedule.

We have recently been holding an ‘expedited’ public hearing and issuing a WPB decision at the same meeting at which the subdivision application is submitted. I think that is a bad idea. It minimizes the time available to assess the merits of the proposal, allows no opportunity for a site inspection, can be regarded as a ‘rush to judgment’, and is fraught with risk. The Dustin Road proposal was a case in point.

If a majority of the WPB concurs, I will allow expedited public hearings on subdivision applications only for minor subdivisions, only when it seems clear that there are no potential issues, and only when the applicant so requests and provides reasonable cause.

The present *Meeting Procedures* do allow expedited consideration of **lot line adjustments** (for which no public hearings are required) “in most cases”. I think that is reasonable and suggest it be standard practice unless there are questions or issues warranting a deferred decision.

In the case of **voluntary mergers**, immediate WPB approval is almost always in order and the question of expedited action is thus moot.

On the topic of **site plan reviews**, The *Meeting Procedures* refer to the separate *Site Plan Requirements* document. That document says that site plan reviews shall be conducted in accordance with the procedural requirements contained in the *Subdivision Regulations*, but nowhere is there any explicit guidance on the scheduling of the required public hearings.

For reasons similar to those expressed for subdivision public hearings, I think it is unwise to receive a site plan application, hold a public hearing, and issue a WPB decision at a single meeting.

We need to amend our procedures to cover this issue. I recommend that public hearings on site plan reviews be scheduled at the next regular meeting following submission and acceptance of the application.

#### Use of Town Counsel

The WPB should seek input from Town Counsel Bart Mayer as a group, not as individual members. Questions posed to him should be pre-approved by the WPB, should be in writing, and should include a request for a written opinion. I suggest that the Chairperson be the authorized point-of-contact with Mr. Mayer.

In-person meetings with counsel should include at least two WPB members. In general, the Chairperson should be one of those members.