

**TOWN OF WEBSTER
PLANNING BOARD
MEETING MINUTES JANUARY 19, 2012**

At 7:00 p.m. Chairman Buckley convened the regular meeting of the Webster Planning Board. Before attending to business, Chairman Buckley acknowledged the passing of Planning Board member, Rich Doucette. Chairman Buckley praised him for his courage and recognized him for his service and dedication to the Planning Board and the community. On behalf of the Board, Chairman Buckley extended their condolences to Mr. Doucette's wife and family. The Board and all those present paused for a moment of silence to reflect on the memories of Mr. Doucette's life.

Present were members Chairman Jere Buckley and Sue Rauth. Alternates in attendance were Richard Cummings, Sue Roman, Mason Donovan and M.J. Turcotte. Also present was Mr. Mark Phillips, Agent for one of the Lot Line Applicants, Leila Moseley.

The first order of business was to appoint alternates for the absent members. Chairman Buckley appointed Mr. Cummings to sit for Mr. Doucette and Ms. Roman to sit for Mr. Mullins. Due to the absences of both the ex-officio Selectman Hashem, and his alternate, Mr. Bean, no alternate could be appointed other than Mr. Bean.

The next order of business was the review of the draft of the December 15th meeting minutes. Chairman Buckley commented that he was surprised that a copy of his November 29th e-mail regarding Planning Board Policies was attached to the minutes. The draft of the Rules and Procedures document actually addressed the contents of the e-mail but Chairman Buckley stated he did not have a problem with the addendum being there. He asked the Board for their opinions and any other comments regarding the minutes. Mr. Cummings made a motion to accept the minutes of the December 15, 2011 Planning Board meeting as written. The motion was seconded by Ms. Roman and was passed unanimously by the Board.

The next item on the agenda was the acceptance or rejection of the Lot Line Adjustment/Annexation Application from Leila Moseley and Caryl Buckley with regards to Map 4 Lots 5 and 6, respectively. Chairman Buckley appointed Ms. Rauth to serve as Acting Chairman for that agenda item as Mr. Buckley had to recuse himself because Caryl Buckley is his wife and he was also her agent for this application. Acting Chairman Rauth appointed Mr. Donovan to sit for Mr. Buckley.

At 7:05 p.m. Ms. Rauth asked Mrs. Larson if the application had been received on time; was it complete; had all fees been paid and were the abutters notified to which Mrs. Larson answered in the affirmative for all questions. Ms. Roman made a motion to accept the application as submitted. The motion was seconded by Mr. Donovan and was approved unanimously by the Board.

At this time Acting Chairman Rauth invited Mr. Buckley, as Caryl Buckley's agent, to explain the lot line adjustment. Mr. Buckley stated that years back when he and his wife

had purchased their property they reclaimed a field to grow hay. After Mr. Buckley did some amateur surveying he found that the field they had reclaimed (approximately one acre) actually belonged to Leila Moseley, their neighbor. Mr. Buckley and Ms. Moseley agreed to do a lot line adjustment as long as the transfer of acreage remained the same for each. The new North/South lot line does just that by exchanging 1.006 acres between the properties, thereby creating a zero net acreage transfer. Mr. Buckley pointed out that there was an error with Note # 1 on the plat indicating incorrect book and page numbers for the deed. He stated those will be corrected on the Mylars. Mr. Cummings asked if the bounds were all set to which Mr. Buckley answered in the affirmative. Ms. Roman noted that the plat reflected Caryl Buckley's property was in the name of a trust and that the application was not. It could be a problem if the trustee does not have authority. It was suggested that in the future the application should reflect a duly authorized signature on behalf of trusts when applicable.

At 7:14 p.m. Ms. Roman made a motion to approve the Lot Line Adjustment subject to:

1. changing Note # 1. to reflect the correct book and page;
2. walking the bounds (Ms. Rauth volunteered to walk the bounds with Mr. Buckley.);
3. submission of the Mylars, one for the Town and one to be recorded at the M.C.R.D.

Mr. Cummings seconded the motion with the board unanimously approving the lot line adjustment.

At this time, Mr. Buckley resumed his position as Chairman. He commented it would seem that this process would not be complete until deeds are filed with the registry to document the two transfers involved, particularly in the case where lot line adjustments under the Subdivision Regulations require specific wording to be included in the deed. The review of the wording of such deeds should become routine upon the return of the deeds to the Town. Chairman Buckley suggested that Mrs. Larson, Town Secretary for the Planning Board, develop a procedure in order for her to keep track of those deeds to make sure: 1) that the deed does come back to the Town and 2) that any required wording has been placed in the deed. Mr. Cummings stated that he did not believe that reviewing the deeds had ever been done. Chairman Buckley stated that Mrs. Larson should have some means to make sure deeds were actually filed. Chairman Buckley stated that approvals of these applications are currently subject to: 1) setting the bounds; 2) walking the bounds; and 3) submitting two sets of Mylars. He suggested that a 4th requirement be added; *subject to the recording of the appropriate deeds with any required wording*. Ms. Roman stated that if these conditions have not been met then the application will not be legally effective. Ms. Roman mentioned the acceptance procedure for applications from trusts and corporations. Ms. Roman suggested that in the future, the authorized trustee signs the application as "Duly Authorized" because not all trustees are authorized to undertake such transactions. Chairman Buckley stated that Mrs. Larson would be responsible for making sure that when applications are received that

they are in compliance regarding authorized agents. Ms. Roman suggested that a new application form be developed to address trust or corporate applicants. Chairman Buckley thanked Ms. Roman for volunteering to develop the form.

At this time Mr. Cummings had to leave due to a prior commitment.

The next item on the agenda was the policy for designating alternates to serve in lieu of absent or disqualified members. Chairman Buckley referred to *R.S.A. 673:11*. *Designation of Alternate Members*. He pointed out that the R.S.A. does not provide any guidelines or criteria for choosing which alternate to designate if more than one is present. Chairman Buckley reminded the Board that at the December meeting he suggested that the Board include in the Rules and Procedures document some agreed-upon guidelines to address this. However, the apparent consensus of the Board was later supported by an opinion from Paul Sanderson of L.G.C. that the R.S.A. grants authority for the designation of alternates solely to the chairman. The Board has no authority to either override the chair's decision or to establish guidelines for use by the chairman in making that decision. Therefore any policy adopted on this issue by the chair does not belong in the rules of procedure document as that document is subject to majority vote of approval by the Board. As a result of this examination of the R.S.A., it was clear to Chairman Buckley and the Board that it is solely up to the chairman to set policy and/or change it. After a brief introduction and commentary, Chairman Buckley presented his *Chairman's Policy for Designating Alternate Members*, effective January 19, 2012 (see Addendum). Chairman Buckley then asked for any comments. Mr. Donovan and Ms. Roman engaged in a brief discussion with Chairman Buckley regarding rotation and seniority. Chairman Buckley stated that if the policy does not work, it can always be changed. Mr. Donovan pointed out that in the absence of Chairman Buckley, the acting chair could choose whoever he/she wanted for alternates, i.e., set their own policy. The acting chair would not be bound by the current chair's policy.

Ms. Turcotte asked for a clarification of whether the Chairman could unilaterally change other rules of procedure in the same way that the Chairman could unilaterally decide on appointment of alternates. Members Buckley, Rauth and Roman all confirmed that a change to the rules of procedures, on matters other than the power to designate alternates to sit conferred on the Chairman by State statute, would require a majority vote of the Board.

Before starting any discussion about the draft of the Rules and Procedures document, Mr. Donovan suggested the remainder of the meeting be postponed until the next Planning Board meeting of February 16, 2012 because there were only two sitting members present and also because of the inclement weather. Chairman Buckley agreed and called for a motion to adjourn.

At 7:37 p.m. Mr. Donovan made a motion to adjourn which was seconded by Ms. Roman and passed unanimously by the Board.

Planning Board approved as amended on March 15, 2012,

A handwritten signature in black ink, appearing to read 'TSM', with a stylized flourish at the end.

Thomas S. Mullins
Planning Board Secretary

APPROVED

ADDENDUM
To
Planning Board Minutes January 19, 2012

Chairman's Policy for Designating Alternate Members

I will maintain a rotation list of all the alternates in order of decreasing seniority. I will designate alternates to serve in lieu of absent or disqualified members in the order dictated by that rotation, except that the turn of the next alternate on the list will be passed over if:

- That next alternate is absent.
- Another qualified alternate is present and that next alternate has less than one year of experience on the Board.
- Another qualified alternate is present and that next alternate has been present at fewer than 50% of the prior 6 Board meetings (or fewer than 50% of the meetings subsequent to institution of this policy if that number is less than 6).

I reserve the right to change this policy or to depart from it in specific circumstances, e.g. when it makes sense for an alternate who actively participated in lieu of a member in prior deliberations on a particular topic to continue in that capacity when those deliberations are resumed. However, I will endeavor not to do so without stating my reasons therefore.