

**Town of Webster Zoning Board of Appeals**  
**Meeting Minutes**  
**January 14, 2020**

A meeting of the Webster Zoning Board of Appeals was held on Tuesday, January 14, 2020 in the Board of Selectmen's Meeting Room, 2<sup>nd</sup> Floor, Webster Town Hall, 350 Main Street, Webster, MA.

All Present: Chairman Jason Piader; Vice Chairman Dan Cournoyer and Members Chris Daggett and Mark Mason.

Also Present: Ann Morgan, Director of Planning & Economic Development

**1. Call to Order** - Chairman Piader called the meeting to order at 6:00 p.m.

**2. Action Items**

**a. Approval of Meeting Minutes November 5, 2019.**

The Board reviewed the draft minutes. No changes were made.

Motion to accept the meeting minutes from November 5, 2019 as drafted made by Mr. Cournoyer, seconded by Mr. Daggett. Motion passed unanimously 4-0.

**b. Elect a Clerk**

Ms. Morgan noted that Selectmen are in the process of creating a reference guide for committees and new committee members in particular. The guide will require committees, boards, commissions, etc. have three officers – chair, vice chair and clerk. Presently the ZBA does not have a clerk and she recommended that the Board move forward in appointing one. Mr. Daggett noted that he might be interested and asked what the responsibilities would be. Ms. Morgan noted that typically the clerk would be responsible for taking minutes, signing approved minutes, reading of public hearing notices and any correspondence as directed by the Board. However, since the ZBA has staff support, similar to some other boards in Town, then the taking and processing of minutes falls to staff. The primary role would be to ensure that the public hearing notice is read at the opening of all public hearings. Copies of the notice would be provided by staff. In the event that the Clerk is absent, then the vice chairman or chairman would read the notice.

Motion to appoint Chris Daggett made by Mr. Mason, seconded by Mr. Cournoyer. Mr. Daggett did not object to the nomination and no other volunteers came forward. Motion passed unanimously, 4-0.

**3. Public Hearing**

**a. Variance Application – 0 Colonial Road - Front yard setback variance to construct a two story, two car garage with living space on the second floor; Bryan Pelletier (Applicant / Owner); Assessor ID 39-A-54-0; parcel is located in a Lake Residential (LR) and Lake Watershed Protection zoning districts. Continued from 9/11/19, 10/23/19 and 11/5/19.**

Chairman Piader opened the hearing noting that this was a continuance from the November 5, 2019 hearing. Applicant / Owner, Mr. Pelletier, presented a letter addressed to the Board dated January 14, 2020. Mr. Piader read the letter for the benefit of Board and those present in the audience. The letter stated the Applicant's request to withdraw the application without prejudice. Mr. Pelletier stated that MassDEP had recently overturned the Webster Conservation Commission's denial of their Notice of Intent thus eliminating the need for the variance application before the Zoning Board of Appeals.

Mrs. Sharon Pelletier noted that they were exploring their options as this point given the recent ruling by MassDEP. They never really wanted to have a house so close to the road and now they can comply with the setback requirements. Mr. Pelletier stated that in future they may submit a new application for a variance of lot size requirements given that the lot is undersized.

Chairman Piader asked if there were any comments from the Board. There were none. He asked if anyone in the audience wished to speak.

Mr. Raymond Prunier, 57 Colonial Road, asked if the Board had received correspondence from his lawyer stating their opposition to the front yard setback variance application. Mr. Piader stated that the letter had been received and entered into the record. The primary objection stated in the letter was focused on the validity of the variance application as it relates to the Conservation Commission Wetlands Setback Policy. Mr. Piader noted that the Policy was not a matter before the Board at this time but rather the request to withdraw without prejudice.

Mr. Piader asked the Board to consider the request. He noted that there was no strong reason or precedent to deny the request. He asked if the Board had any questions or comments. There were none. After review of the merits of the request the Board voted to grant the request.

Motion to grant the Applicant's written request to withdraw the Application without prejudice made by Mr. Cournoyer, seconded by Mr. Mason. Motion passed unanimously by roll call vote: Daggett – AYE; Mason – AYE; Piader – AYE; Cournoyer – AYE.

#### **4. Staff Update**

Ms. Morgan noted that a Solar By-Law Working Group has been established. It is comprised of Mr. Piader along with Dan Morin and Cathy Cody of the Planning Board. The group has met once but Mr. Piader could not attend. They are looking at all aspects of the current by-law including site plan requirements, decommissioning, thresholds for large and small scale installations, reporting requirements, among other items. Ms. Morgan noted that she has asked Marc Becker, Principal Assessor, be present at the next meeting to discuss payment in lieu of taxes (PILOT) agreements.

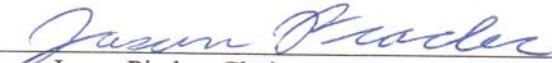
#### **4. Next Meeting**

Ms. Morgan noted that no new applications have been filed and there are no outstanding work items. The Board did not set a new meeting date.

#### **5. Adjournment**

Motion to adjourn made by Mr. Cournoyer, second by Mr. Daggett. Motion passed unanimously 4-0. The meeting was adjourned at 6:34 p.m.

Minutes Approved:

  
\_\_\_\_\_  
Jason Piader, Chairman

717120  
Date

#### **EXHIBITS**

- Public Hearing 3A: Variance Application – 0 Colonial Road – Bryan Pelletier (Applicant / Owner). All material associated with this application is on file in the office of the Town Clerk and the Planning Department.