

RUMNEY PLANNING BOARD MEETING  
August 28, 2012

The meeting was called to order at 7:01 pm by Tom Grabiek, Chairman.

Present were Kathy Wallace, Tom Grabiek, Dave Coursey, Rob Arey, Mark Andrew, John Bagley, Brian Flynn and alternate Jerry Thibodeau.

1. The minutes of July 31, 2012 were approved as written.

The minutes of August 14, 2012 work meeting were approved a written.

2. Mark A. stated he had looked at the driveway on East Rumney for Rumney Ecological and had some concerns with possible wash outs on to the road. He will meet with Frank and discuss it with him. Tom stated he would return out there to review it again.

3. Jerry T. questions if and when we expected to hear from Atty. Marshall with a list of court cases he had said he would supply. Tom answered we had not heard from him as yet, he will contact him to find out. Jerry also questioned "what legal powers does this Board have?"

4. Septic approvals were received from DA White Construction, Stinson Lake Road and Robert Donovan Basin Brook Road.

An intent to excavate was received from Greg Sanborn.

A copy of a letter to ME Latulippe from DES was received – requesting his required two year update on at his pit for the Alteration of Terrain permit. Regarding Central NH Aggregates – Tom further stated a hearing on the blasting problem had been completed. State Police did not yet have the results and could possible charge us for a copy of same. Mark A. reminded him of the right-to-know law that copies should be available within five (5) days of a decision. Tom will contact Ms. Magoon at DES and inquire about that and the status of a site visit at that location.

5. Mark A. updated the Board on Selectman's issues – Two junkyard issues would be going to court and Atty. Waugh was scheduling a meeting with Ken Knowlton of MRI who has been handling these cases. He stated their Board has been updating employee policies, which seems to be ongoing as it has been so long since this has been done.

Mark further discussed Brian Paquette requesting a letter from the Selectmen to the State Liquor Commission stating they had no objections to his applying for a wine and beer license for Common Café, 2 Quincy Road. A letter had been prepared with use of his present hours. John B. questioned if Mr. Paquette had met with any of his neighbors regarding this. Mark stated yes – he had met with the church and other neighbors. John stated he has not met with me and I am his closest neighbor. Jerry questioned if there was a system in place for a visit with the police and fire departments. Dave C. said he would be doing a safety inspection for an assembly permit and for change of use from apartments to a boarding house. The state regulations list many issues for review and compliance must be met. John B. further stated that in 2009 the Planning Board sent the State Liquor Commission a letter regarding a license for this property and was surprised the Selectmen were approached at this time. Did they check with the Planning Board or research this issue. John felt they were premature in writing this letter of. Tom requested they discuss the town issues rather than the state. He felt Cheryl L and Mark A were both aware of the problems over the last two years – parking and safety issue that Mr. Paquette has ignored and that the Selectmen chose to ignore our issues. During the Selectman's meeting Mark requested a letter with a detailed list of the Planning Board issues and Brian stated he "might" or "might not" respond to a letter from the Planning Board. Tom felt a meeting with the Planning Board should have been mandatory. Mark stated they were two totally separate issues – Brian had come in to them for the first time. They were making progress getting him to communicate with the town. Tom further stated he felt Annie had been advised to draft a letter prior to their meeting and public input. This discussion was closed.

6. Steven Bolles Tax Map # 7-01-06 came in to the Board at their request to review a right-of-way to his property at 2530 Buffalo Road over a 50' easement on the Dow property. The concerns were the egress off Buffalo Road and the inability for emergency vehicles to access his property. A statement releasing the town from liability should this occur had been prepared for his signature. Wade Reed, seller of the property to Mr. Bolles, was present and provided the Board with a driveway permit issued in 1989 to Edward Griffin for residential use and a change of use statement for this acreage. Copies of each were made for town records. Mr. Reed further stated that in or around 2003 he invested considerable money into the right-of-way, crowned it for drainage and had it inspected by the road agent at that time. There have been no run off issues on to Buffalo Road. David C. informed Mr. Bolles that the location could have an adverse affect on his insurance coverage. In reviewing the liability release, John B. and Kathy W. requested it include "public or school transportation for handicap access". This will be changed and provided to Mr. Bolles for his signature and then recorded at Grafton County to remain with the property.

7. Kathryn Francis, 2 School Street, Tax Map #12-09-01 was present to discuss usage of her house, and was accompanied by her brother, Harry Millette who also resides at this address. Concerns were the septic and safety within the building for tenants. Mrs. Francis stated the septic was a 1000 gal tank, has two leach fields and was pumped on a regular basis. The septic was a factor in obtaining a license for the restaurant at that location.

There are no tenants presently residing in the building – only her daughter and boyfriend with herself, her husband and brother. John B. stated it was a one family residence to which Kathryn replied she purchased it as a two family house and it does have two services, a separate entrance with additional bath and kitchen facilities. Harry stated he worked on the house over 30 years ago when it housed disabled people and wards of the state. Tom questioned if they would rent should her daughter moved out and the answer was "no". Harry questioned what would be necessary to have tenants and was told to come before the Board for approval. Harry stated he knows what he needs to do and when he needs ok's for changes. Dave C. stated having non-relatives in the property would require a life safety inspection and it would cost a lot to bring the house into compliance – smoke detectors, sprinkler systems, etc. Mrs. Francis questioned if the restaurant could be converted in to living quarters but there is not enough acreage to subdivide the property. They did request the Board to review old tax cards and deeds and report if it was ever more than a single family residence.

8. John Fucci had been before the Board in June requesting a waiver for living space over his garage for caretaker use when he is away during the winter. Health problems prevent him from residing here at that time. This would add a kitchen and bath to the present septic system. As the need could develop for year round help, Mark A. requested a letter from the state or a septic designer stating whether or not the present system could handle the additional load. The proximity of this property to the lake is of great concern. An annual temporary waiver was discussed, pending receipt of the septic information.

9. Sharon Seabrook submitted her 2011 tax return for review by the Board to determine her financial need for renting her property at 1725 Buffalo Road while residing in a small unit behind the garage. At the prior meeting Joel Heathcoat had also offered his financial records as a co-habitant. Sharon had called the clerk prior to submitting her records and stated "Joel is a guest in my house and does not contribute to expenses". Again the condition of a 2 bedroom septic and its ability to handle additional usage was questioned. This is not a temporary situation. John B. made a motion to deny a waiver at this time for the second dwelling. She had not provided financials on both or a letter regarding the septic system. Mark A. seconded. The Board voted unanimously to deny this waiver pending the additional financial information and a letter regarding the ability of the septic to handle the additional fixtures.

10. Gail and Doug Sanborn with Atty. Omer Ahearn were present expecting additional information on the Central NH Aggregates Excavation pit situation. Carl Spring and his son Paul were also present. Carl questioned public safety? How can we get safe. Tom G. explained the need to work with the pit owner to arrive at solutions for pit and blasting safety. He was further waiting for a report from the State on the results of a hearing which had been held. Atty. Ahearn stated he felt Atty. Marshall would be present at this meeting and further stated "we can only look at the Sanborn's rights going forward and if necessary to appeal the decision of this Board to Superior Court". The clerk told of the additional background

information she was reviewing including the states regulations and court cases as mentioned within them. The Sanborns requested to be informed when they should be attending and Atty. Ahearn requested copies of any and all information we find. Dave C. stated we needed to have a finding on this as he expects Mr. Latulippe will want to blast in the near future. Atty. Ahearn requested no blasting at the pit, which has been agreed to by Mr. Latulippe. Carl requested we set up a visit to the Sanborn property which will be posted for the work meeting scheduled for September 18<sup>th</sup> at 6:30 pm prior to the meeting. Kathy W. stated our concern is no less even if we have not viewed the property.

11. A pit inspection check list was reviewed and pit owners will be receiving the notice of inspection within the week.

John B. made a motion to adjourn at 9:35 pm.

Respectfully submitted,

Diana Kindell  
Clerk