

## Danbury Planning Board

April 27<sup>th</sup>, 2021

### Adopted

The Danbury Planning Board met on Tuesday, April 27<sup>th</sup>, 2021, in accordance with the schedule adopted and posted. John Taylor called the meeting to order at 7:00 p.m. and welcomed everyone present. John asked if anyone had a conflict of interest and Jim Phelps asked to be recused for the duration of the meeting.

#### **Present:**

John Taylor, Chair

Anna Offen, clerk/secretary

Gary Donoghue

Bernie Golden, Vice Chair

Christine Caron

#### **Not Present:**

**Guests:** Deborah Aylward, Tracy Shepherd, Jess Hatch and Jim Phelps

Previous meeting minutes were reviewed. Bernie Golden made a motion to accept the minutes of April 13<sup>th</sup>, 2021, Christine Caron seconded. **Motion passed unanimously.**

Deborah Aylward asked to come before the board for an enforcement request against two gravel pits, located on Route 4 and Jack Wells Rd, both owned by Jim Phelps. She presented the board with a document listing her points.

At 7:07pm Deborah began her presentation to the Board. She believes that the gravel pits are not in compliance with state law. She reviewed the document that she prepared with the Board and went through the eight items. At 7:25pm Deborah ended her presentation.

John Taylor addressed Deborah and reminded her that the issues that she is raising all relate to the initial approval of the gravel pits back in 2013 and 2017. That approval was made under the direction of counsel and could have been appealed at that time, but it was not. John also disagreed with her accusation that South Danbury is mostly residential and also pointed out that the gravel pits in question are both located on a state highway. Gary Donoghue stated that the Town of Danbury followed the state regulations for the review of the pits when they were approved. Bernie Golden re-iterated Gary and John's statements that he believes that the Board acted on what they believed were the correct regulations, obtained counsel, and performed all due diligence at the time of the approval. Bernie also spoke on behalf of Jim Phelps. He has served on the Board with Jim off and on for over 15 years, and has seen firsthand how much Jim cares for the town. He feels that comments made by Deborah Aylward, both verbally and in

written form, have been personally disparaging towards Jim Phelps, as well as other town officials.

The initial gravel pit applications were discussed and it was determined that the applications were completed fully and correctly by the applicant, and that no material misstatements were found.

Bernie Golden made a motion that the complaint presented to the Board does not warrant any further attention from the Board and that the matter had been exhausted, Christine Caron seconded. Roll Call Vote: Bernie Golden – yes, Gary Donoghue – yes, John Taylor – yes, Anna Offen – yes, Christine Caron – yes. **Motion passed unanimously.**

Deborah asked to speak as member of the public. She mentioned that she will be bringing the matter to the court, and cited nuisance law. The Board acknowledged that is her right if she so chooses.

John read the following building permits into record:

Robert Vlk, 48 Martin Dr, **Tax Map 412, Lot 072**, 24X28 addition to the home on posts/ 16X14 shed addition on concrete slab/ 12X16 post and beam pavilion on slab

Gene and Linda Danforth, 128 Waukeena Lake Rd, **Tax Map 409, Lot 042**, 20 X 24 ft barn on concrete slab

John read into record an email that was forwarded from the Board of Selectmen. The email is from the Legal Services Counsel, NH Municipal Association and states that the Board of Selectmen are the designated body to interpret and enforce all provisions of the town's zoning ordinance.

Since there are no current pending issues the Board will next meet on 5/25/21.

At 7:48pm Christine Caron made a motion to adjourn, Bernie Golden seconded. Motion passed **unanimously.**