

**TOWN OF HENNIKER  
PLANNING BOARD  
Approved Minutes  
February 25, 2009**

**Call to Order/Attendance**

*Members Present:* Kristin Claire, Chairwoman; Terry Stamps; Scott Osgood; Ron Taylor, Selectman, ex-officio; Leon Parker, Alternate Selectman, ex-officio

*Members Excused:* Gary Guzouskas; Kellie Dyjak; Ed Miner, Jim McElroy

*Others Present:* Laura Scott, Planning Consultant; Jennifer Astholz, recording secretary; Jeff Roach; Romeo Dubreuil, Building Inspector/Code Enforcement Officer

Chairwoman Claire called the meeting to order at 7:00 pm.

**Building Inspector/Code Enforcement Officer**

Ms. Scott introduced Romeo Dubreuil as the new Building Inspector/Code Enforcement Officer for the Town of Henniker. Mr. Dubreuil stated that he has more than 30 years of experience in the building trades and has a home inspection business.

Chairwoman Claire asked Mr. Taylor and Mr. Parker what the Board of Selectmen's expectations are of Mr. Dubreuil in this capacity. Mr. Taylor said that Mr. Dubreuil has been hired to do code enforcement. He stated that the Board of Selectmen approved a job description. Ms. Scott will get a copy of the job description for the Planning Board members.

Mr. Dubreuil stated that he has been hired under a stipend. He stated that he views this job as a service that the Town provides to its residents.

Mr. Osgood asked him how he will deal with the fact that Henniker does not have a residential building code requirement. Mr. Dubreuil stated that people can build to substandard levels if they want to, but this is very unwise. He stated that professionally pointing out things that are reasonable to fix is key to building good working relationships with people.

Leon Parker stated that the State Fire Marshall can be called in to enforce egregious faults if needed. Mr. Osgood stated that does not apply to single-family residences as Henniker has not accepted a residential building code.

The Board members discussed how Mr. Dubreuil can assist with application reviews, and checking and enforcing plans that have been approved.

Ms. Scott stated that Dunkin' Donuts, the new dog kennel and Idlewild North Restaurant each have outstanding items that need to be addressed to ensure compliance with what the Planning

Board approved; however, none of the work could be done in the winter. She will review these items with Mr. Dubreuil as needed.

Mr. Osgood asked if there was a professional building association that assists building inspectors/code enforcement officers. Mr. Dubreuil stated that he is planning to attend an upcoming 3-day seminar at UNH. He also stated that there are monthly meetings of the state association. Kristin Claire stated that she hopes that the Town will help to pay for this training.

Mr. Osgood asked what the process is for a resident to inquire about a possible code violation. Ms. Claire stated that there is a form that can be used to anonymously request investigation of a code violation. Ms. Scott stated that a resident would come to the office and a written inquiry request would go into Mr. Dubreuil's mailbox. After investigation, a written response would be put into the file. Mr. Osgood suggested clarifying the policy so that people can withhold their name to avoid retribution, while being sensitive to the rights of the person being investigated.

### **February 11, 2009 Meeting Minutes – Review and Approve**

Minutes of the February 11, 2009 meeting were reviewed and corrected. Terry Stamps **MOVED** to approve the minutes as amended. Ron Taylor **SECONDED** the motion. Motion **PASSED, 3-0-1** (Kristin Claire abstained as she was not at that meeting).

### **Budget Discussion**

There was discussion about the proposed Planning Board budget. Ms. Scott stated that she was requested by the Town Administrator to ask if there were any budgetary line items that could be reduced to help reduce the overall Town budget.

Ms. Scott stated that most of the line items are there to cover their costs. It was stated that there is really no place to cut the budget except from wages and salaries. She stated that when there are a lot of Land Use applications, much of her pay comes from the applicant. However, when there are not many applications, she is doing proactive work for the Planning Board. The other paid position for the Planning Board is the position of recording secretary.

Ms. Stamps stated that she does not know if it is necessary to discuss cutting wages at this time. She asked if a warrant article could be drafted in a "if this...then that..." scenario, to cover costs if there is actually a shortfall in the State revenue. Mr. Parker stated that the figures are not known early enough to develop such an article. Ms. Claire also stated that would be difficult to do at this time. Chairwoman Claire stated that a special Town meeting could be called to deal with the State shortfall issue.

Ms. Scott stated that she will report to the Board of Selectmen that no changes were made to the Planning Board budget.

### **Earth Excavation**

- ❖ Memo Update

Chapter 201 is in the Town Ordinances. It is a separate set of regulations that is adopted by the Planning Board to govern excavations. A vote at Town Meeting gave the Planning Board the authority to modify the excavation chapter just like the site plan review and subdivision regulations.

The State RSA definition of “grandfathered” excavation operations is very specific.

❖ Active and Inactive Excavation Locations

This review is the beginning of a lengthy process. Ms. Scott stated that she has gathered all information in the Town offices regarding excavations; she also found video tapes from 1989 that are part of the record.

Mr. Osgood stated that he does not agree with re-permitting all excavation pits and we have notice of intents on a lot of the excavation pits. He stated that the Board needs to make sure that a valid reclamation plan is in place as well as a bond. He stated that a lot of the information for the pits is already available and that the Board does not want to waste time creating what should have been done 30 years ago. He suggested looking at what is needed today and moving forward.

Chairwoman Claire stated that if there is no reclamation plan and no bond money in place, the Town may have a problem. She believes there should be a reclamation plan in place as well as bond money for reclamation for each operation. She stated that NH RSA 155-E exists for these businesses. She stated that since the residents gave the Planning Board the authority to watch over these businesses, we owe the Town at least that much protection. She stated that, as a taxpayer, it would make her angry to find that this was not being done properly.

Ms. Scott stated that a letter could be drafted to the excavation operators politely asking for the submission of the reclamation plan and bond information.

Mr. Parker asked if the State has reclamation information on file. Ms. Scott stated that DRA form only asks how much land has been reclaimed as DRA only looks at specific information for taxing purposes.

The Board stated that the letter needs to clearly state what is required while not blaming the pit owners for the lack of information. This is simply an area that needs attention, and the Planning Board has a legal responsibility to manage this. Ms. Scott stated that this is also a way to be fair to all operators in Town.

Mr. Taylor stated that the Board must differentiate between the pits that are active and the ones that are inactive. He stated that he is more concerned about the inactive pits and the Town’s liability for those.

Ms. Scott stated that she will draft two different letters and bring them to the next meeting for the Board’s review. She stated that the intent of the letter is to gather necessary information for the

Town records. She stated that it is important that the Board have pertinent information as it is a legal requirement and so that expectations are fair for all pit operators.

Ms. Stamps will check with the Conservation Commission to get any additional information on the excavation lots.

Ms. Scott stated that she has another category for those lots that were previously recorded as excavation pits but now have other things there such as houses, subdivided lots, etc.

Ms. Claire stated that she will review the old videotapes.

❖ **Draft Excavation Regulations Changes**

Ms. Scott stated that excavation operations need to have a permit that gets renewed every two years. None of them have permits at this time. She stated that if they do not excavate for the period of one year, reclamation is supposed to be started.

Ms. Scott stated that the Fire Department and the Town Engineer have reviewed the draft Excavation Regulations. She is still waiting for comments from the Conservation Commission.

Ms. Scott raised a question about the 2-year permitting process as stated in the current regulations. This states that the applicant has to go through the entire approval process every two years. She asked if the intent was to have the entire plan approved and then have a process to check to make sure that the applicant is meeting what was approved. The subsequent permitting phase is to create a checklist for permitting the bonding, reclamation plan, etc. This section will need to be changed so that the wording accurately reflects the intent.

Mr. Osgood asked what recourse the Planning Board has if the operators do not provide the requested information. Ms. Scott stated that DRA can be informed, and they can follow up with the pit operator and enforce compliance with Town and state regulations. There is also the regular enforcement procedure and process outlined in the RSAs and Zoning Ordinance. Scott Osgood stated that this is really just to assist in the process of complying with State law.

**Member Updates**

- ❖ **Board of Selectmen:** Mr. Taylor stated that they are dealing with economic uncertainties where the Town may have to absorb a \$260,000 deficit from the State. He stated that the Town budget has been cut to the bone. There was discussion about a Town warrant article to purchase land next to the police station.
- ❖ **Conservation Commission:** Ms. Stamps stated that there was nothing new to report at this time.
- ❖ **Water Resources Committee:** Mr. Taylor stated that they have not met for a few months.
- ❖ **Open Space Committee:** There are no new developments at this time.
- ❖ **Road Management Committee:** Mr. Guzouskas is not here to give a report.
- ❖ **Central NH Regional Planning Commission:** Mr. Osgood stated that Senator Janeway gave a report about the State budget at the last Commission meeting. He reported on a

bill that would increase some the gas tax 15 to 18 cents and was supported by the Planning Commission.

- ❖ Community Profile Project: Ms. Scott stated that plans are coming together well. This will be beneficial to the Town and Planning Board for future planning.

**Town Meeting Preparations:** Ms. Scott stated that Town reports were mailed today, and the *Herald* was being mailed tomorrow. She stated that Ballot voting is March 10<sup>th</sup> and Town Meeting is Saturday, March 14. She asked if any Planning Board members wanted to be available at the polls to answer questions. The Board members consensually agreed that this was not necessary this year.

**CNHRPC Appointment Recommendation:** Ms. Scott stated that Jim McElroy will finish his term in June 2009. Mr. Osgood is the other representative. She stated that no action needs to be taken until the CNHRPC sends a letter to the Planning Board about reappointment.

### **Other Business**

There was discussion about a petition warrant article concerning a “no right turn” sign at the exit of the Post Office.

Ms. Scott asked the Board members to bring their binders with them to the next meeting for updated information.

### **Adjournment**

Mr. Osgood **MOVED** to adjourn at 9:20 pm. Ms. Stamps **SECONDED** the motion. Motion **PASSED UNANIMOUSLY.**

Respectfully submitted,

Jennifer Astholz  
Recording Secretary