

GRAVEL ORDINANCE HEARING - PER JOHN RASKIEWICZ

September 19, 1977

Present were three selectmen, secretary and counsel, Stephen Spielman. Also, John Raskiewicz and counsel, William Aivalikles. Attending the meeting were Marian Chittim, Maurice Briere, Donald Byam, Donald Chapman, Dr. Samuel Brooks, Walter Leach, Jr., Milton Elliott, Gail Parker and Rhoda Clark.

The meeting was called to order at 8:07 by Mr. Spielman, counsel for the Board of Selectmen. He explained the court order on the case: <sup>finalized on July 8, 1977</sup> Mr. Raskiewicz shall within 30 days of the date of this order present a written proposal for his gravel removal operation. Within 60 days of receipt of said proposal, the Selectmen of New Boston shall notify Mr. Raskiewicz in writing as to the Selectmen's specific areas of concern. Mr. Raskiewicz shall have 60 days from receipt of information from Selectmen to respond. Within 40 days of the Selectmen's receipt of the response from Mr. R., the Selectmen shall render a decision.

Mr. R. submitted a 72-page proposal for gravel removal from his property in New Boston. Milton Elliott requested the reading of the entire proposal. Mr. Sallada and Mr. Mansfield obliged. Gail Parker asked if it were possible that Mr. Byam's project might commence again, thus making both operations performing at the same time. Donald Byam reported his contract with Mr. Cronin is completed. He now holds a 10-thousand yard per year permit for his own purpose. Reading continued. G. Parker asked how close is the esker to the road. Mr. J. Rask. replied it is about 1000 feet back. Mrs. Parker then asked if any stream of water would be affected. The answer was "no".

The report indicated plans for a scenic drive estates <sup>Subp. 1/3/77</sup> proposal for ultimate use of the land, therefore, no gravel would be removed any closer than 4 feet ~~to~~ above the existing water table.

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Gail Parker questioned whether these 4 feet would accommodate a septic system. Mr. R. was asked to reply to this question and was also asked if he would enlarge on his future plans following removal of gravel after a 5- year permit. His counsel advised that Mr. R. is not required to reply as per order of the court

Donald Byam asked what esker we are talking about - is it a continuation of the one I am working from? Mr. R. would not reply.

Mr. Byam felt the reading of this technical report was a waste of time and asked it be discontinued.

Mr. Aivalikles objected.

Objection over-ruled since the present body agreed to discontinue the entire reading. Mr. Spielman then gave a brief resumé of the balance of the report and the seismic report. He stated the entire report will be made available at the Selectmen's Office for any interested person to read.

Mr. Spielman prepared a list of questions which will be presented to Mr. R. by letter which he will be required to answer.

It was announced that a second meeting on this case will be held next Monday September 26, 1977 at 8:00 pm.

The meeting was adjourned at 9:40.

EXECUTIVE MEETING

Following the hearing, the Selectmen met with Mr. Spielman in executive session.

Mr. Spielman provided the Selectmen with a summary of points to be presented to Mr. R. for answer. He will also notify by letter certain individuals of the next meeting, by their request. The Selectmen agreed to this.

The fire house addition was discussed regarding the court suit brought on the town by Mr. Leon Daniels. Mr. Spielman

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expected ~~it~~<sup>it</sup> would be a risk to start the fire house project with the possibility of going over the appropriation. He expects Mr. Daniels would then file suit and the judge would no doubt halt all operations. The Selectmen agreed to proceed with their plans, nevertheless.

The Selectmen will discuss with town counsel, Mr. David Nixon, the possibility of a special town meeting to request any needed extra funds.