

WARREN PLANNING BOARD  
MINUTES OF AUGUST 21, 2009

Present: Mr. Marc Richard; Vice-Chairman, Mrs. Susan Libby and Mr. Peter Krawczyk  
Absent: Mr. Bill Ramsey; Chairman and Mr. David Messier

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Opened the Meeting at 6:00 PM

The purpose for this evening's meeting is to discuss the Cease and Desist Order issued by Jack Keough on Jim Fountain's gravel pit (SP#205). Mr. Fountain has actively allowed Palmer Paving Company to store road grindings from the Mass Turnpike during late night hours. This action is a direct violation of the Zoning By-laws 8.6.11 (storage of road grindings) and 8.6.4 (days and hours of operation). This property is an active gravel pit permitted by the Planning Board, with conditions. Mr. Richard opened the topic for discussion.

Mr. Krawczyk started by saying that he is extremely concerned over the water resource area and has contacted someone he knows at DEP. Some confusion arose from what appeared to be a letter of approval from the Chair of the Board of Selectmen. Mr. Fountain assumed that this letter gave him permission to move forward even though the Board of Selectmen has no jurisdiction over the matter. For the Board of Selectmen to try to say that the material is for any type of town project is incorrect after having checked on two separate occasions with Mr. Odiorne. He stated on both occasions when asked, that he wouldn't mind having some of the material, however the work was in no way part of any town project.

Mr. Fountain is well aware of the restrictions on Earth Removal seeing that he was instrumental in drafting the by-law during his time on the Board. At this point, the matter is in the hands of the Zoning Enforcement Officer, Mr. Keough. Mr. Keough will address the Selectmen at their next meeting on August 25, 2009. Mr. Fountain has requested an extension of time for removal to Thanksgiving. The Board feels that Mr. Keough has issued an order and that order should stay. There have been no attempts by Mr. Fountain to remove any material since the order was issued. This Board in no way feels that an extension should be granted in light of the violations. The members are also in favor of implementing fines beginning August 24, 2009 in accordance with the General By-law, Article 1, §4B.

The Planning Board is on the Selectmen's agenda for August 25, 2009 to discuss this matter.

Motion to Adjourn made by Mrs. Libby; second: Mr. Krawczyk - unanimous at 6:45 PM.

Respectfully submitted,

Rebecca Acerra  
Secretary

Date Approved \_\_\_\_\_

