

DRB Meeting Minutes
Wednesday August 21
Draft

Present: DRB: Alan McBean (Chair), via Zoom: Chad Farnum (Vice-chair), Peter Doubleday, Cami Elliott

Present: Others: Shawn Stone, via Zoom: Roger Vincent Jasaitis (Zoning Administrator), Deb Forrett

Alan calls the meeting to order at 8:00 AM.

Alan states that the purpose of the meeting is to review the letter sent by Lawrence Slason, attorney for Maria Glabach, written in response to the DRB's July 28 decision.

Alan then recaps the Board's decision concerning structures on the property, hours and days of operation, and the commercial burn pit and its State issued permit.

Alan: In terms of the burn pit we felt that if the burning was being done in accordance with the State permit, that it was probably ok in terms of our performance standards. But the State has said that they don't have the manpower to oversee it. So I guess that the onus for monitoring that falls on us. And maybe that's something we need to talk about today as well.

So does anyone on the board have any comments about the response from Attorney Slason?

Chad: The letter brings up the issue of Maria's snow plowing business which needs to be able to operate at all hours. I don't see how we can put limits on that part of her business.

Peter: The letter is reasonable, with the exception of business obligations, she is trying to do what we asked her to do.

Cami: Is the Burn Permit up to date?

Roger: Yes, a new permit is in effect.

Cami: My concern is, burn permit #6 says that "no burning is allowed at night except with expressed permission of local fire warden" which is her son. My concern, given the videos of a burn last Monday, is that she is not following the burn permit requirements and all we can do is refer her to the state.

Shawn: She is supposed to burn on a clear day, but she always burns on a rainy, dreary day when the smoke settles and goes in my direction.

- *there is a gap in my recording at this point*

Alan: If she is violating the state standards, she is violating ours, and she is also violating her state permit.

Cami: The letter states (a) that documentation will be maintained as to “the time and day of each burn and the name of each person attending the burn”. Roger, does this mean that you can ask for documentation?”

Roger: Yes, I can send her an email request for information.

Cami: If she responds then I would say that this letter is going to cover the steps she needs to take. I think the burn permit is the bigger issue.

Chad: It’s the one thing the DRB couldn’t figure out how to address. We don’t have anything in the bylaws that says we can’t issue her a permit and the State issued her a permit. So, we don’t have the control to pull that permit whether she follows it to the letter or not. There is a concern from the neighbors that’s she’s not following the guidelines. I don’t know what we can do other than limit the hours and have her respond if questions arise with documentation as to the time, day, who was onsite and weather conditions. Can we go that far?

Cami: In this letter he has laid out conditions, a, b, c, d. I feel he’s done what we couldn’t. Roger do you feel this way?

Roger: This letter is a “good faith” letter meant to align with what the DRB, requested. Legally they don’t have to but if they don’t keep these conditions they are breaking their own good faith agreement.

Cami: Can we do anything other than that?

Roger: You’re asking about enforcement?

Cami: Yes.

Roger: Two things. The State should be monitoring and enforcing their own permit. If they’re not willing to do that, it doesn’t leave the town much room to maneuver, other than issuing another violation and starting the whole process all over again.

Chad: Can we, today, add to our requirements that when Glabach Industries are having a burn they are to send documentation to the town as to the date, time, personnel involved, what’s being burned and weather conditions. Even if it’s just an email. Is that something we can do?

Peter: Are you talking about in advance of a burn?

Chad: One day, yes.

Peter: The one variable is the weather.

Roger: In this letter he says they are going to keep this information, so providing it the day of, or at least the day after would be appropriate. It's within the purview of the DRB to ask to have this and if it's easiest for the DRB to have it sent to me, that's fine. I would just put it in a file and there would be a record of it.

Cami: I think it should be the day of. And I would include a weather report. Its easy to get a weather report these days.

Peter: The wind direction is the issue.

Roger: The "Air Now" website provides a lot of that information on the day and it can be included with the email. They offered to provide that.

Alan: Last Monday, as Shawn stated, was a humid drizzly day yet Maria had a burn and the smoke didn't dissipate. if there are numerous instances where this happens it seems there has to be some consequences.

Roger: It says right in the state permit that if the smoke is not rising it is a violation.

Alan: Yes, and if that's happening they are supposed to put the fire out completely.

Cami: How do we follow up here? What is our next step.

Roger: You should reply to the letter and say exactly that, this is what we expect and want, the documentation sent to the ZA.

Alan: Are we in agreement that under part II that someone be present until the fire is completely out, including embers?

An extended back and forth discussion about how to best monitor the burns and whether it's really our responsibility took place.

Roger: This is a good faith letter, and we should assume that they will do their best by it. I would recommend that you write your response and let them adhere to what they say they are going to do. If they don't, you can then raise issues and talk to them.

Alan: We will stipulate that (on burn days) the air should be clear, and not a humid, rainy day. That someone should be on sight for the entire time and if they leave the fire should be completely put out including any hot embers. Where there is smoke, there is fire.

Cami: And we want documentation sent to the Zoning Administrator the day of the burn.

Chad: I think that's all we can do.

Alan: And obviously, if she doesn't adhere to that, then she'll be cited for a violation of our performance standards. And if it continues unabated, in my mind there has to be a consequence at some point. If you can't conduct the burns according to your permit, then you can't conduct the burns.

Cami: I agree. And I think it's also up to the neighbors to register complaints with the State, and hopefully, if it continues, the State will finally get annoyed enough and come down.

Alan: It not our job to monitor the State permit, but, on the other hand, it would be good to have some 1st hand information to support Shawn & Melody in this. Do we want Roger to swing by on days he is notified. He really is the enforcement officer.

Roger: But remember, this is a good faith letter, and you know, you assume that they're going to do their best to abide by that letter. So I recommend that you write your response and let them adhere to what they're saying. And if they don't you can raise issues and talk to them. Or tell me you want to issue another notice.

Chad: I don't think it's for us to try to shut down part of her business. That's not what we're trying to do. We're just trying to make sure the neighbors are not affected when she's doing this commercial burn. I don't want it to come down as we're going to send the Road Crew down to see if she's doing it right. That's not our job. So let's just write a reply, and let's hope that the burns all go well for her, and that this isn't a continuing problem.

Alan: You're only asking her to abide by what she's written.

Chad: And what the state has permitted her to do.

It was agreed, that in order to avoid any possible accusations of conflicts of interest, that Assistant Fire Warden Alan White should issue the Burn Permits and not Ted Glabach.

Chad: I want to be clear that we are not thinking that Maria is trying to get away with anything nefarious. We are just trying to make sure the neighbors are not affected by her actions.

Alan: She said she burns about once a month. Do we want to revisit this after there have been 10 burns and evaluate how many of them were in compliance? It seems we need to quantify this, put guardrails on it.

Roger: You have the power to review at any point. It is typically done after one year..

Cami: So theoretically, that would be 12 burns. And Shawn and Melody have documented that five out of six burns are not within the burn permit they would let Roger know, and we can revisit at that point.

Roger: We will have Maria's documentation as well. So, we'll have the full picture.

Cami: So, Alan, do you feel that we have what you need. [to write the reply]

Alan: I think so. I'll take a crack at it.

Roger: It has to get to them today by 5:00. Essentially, you're not disagreeing, you're just asking them to provide more information.

Chad: What about our review?

Roger: An email could be sent saying that you substantially agree. You're just crafting the letter. If you were disagreeing with them, which you're not, they would need time to appeal to the state.

Chad: So Alan will send them a letter for clarification of what we want to see.

Alan: Ok.

Alan asks Deb Forret (present on Zoom) if she has anything to add.

Deb: No, I'm just here to take notes for Maria who couldn't be here today.

Deb: Shawn, I hope that you and Melody can work out your differences with Maria. But ultimately, your house is where it is, and the burn pit is where it is. That's just the reality.

Shawn: I know. And I tried to work with Maria, and she didn't want to work with us. That's why we're here.

Deb: Everyone has their side to the story.

Alan: [speaking to Shawn] What are those? Shawn shows Alan something, pictures?

Deb: I just want to say about that, that it's a slippery slope when we start to buy into personal narrative and Shawn providing documentation to the Chair of the DRB right now we have to follow process here. What is the process? And my only issue here is that process is not being followed. And that's when tempers fail and miscommunication happens. So honestly,

Shawn, if you have a problem with the burn, you should be contacting the State. You should be documenting and sending it all to the State. But continuing to write letters and take videos and bring it to the DRB? I mean the DRB is saying to you, in this meeting, that there is only so much they can do. So, if this is really a serious issue for you, you should take it to the State.
Shawn: Well. We'll send it to the State and when we do we'll send it to everyone in town.

Deb: Well, whatever. I'm not going to continue this. You seem to need to get everyone on your side for some reason. I don't really understand that.

Cami: I think it would be good to stay within the process you've set up. Alan is going to respond to the lawyers, and I think we've set up a protocol that should work for everyone.

Chad: I understand the frustration of Shawn and Melody. Like Deb said, I wouldn't want to live next to a burn pit. But given the parameters of what we have to work within, I think the process we've set up is the best we can do.

Cami: I agree.

Alan: Do we need to officially vote on the letter?

Roger: Yes

Cami: Do we need to do that, just the DRB?

Roger: Yes

Alan: Alright. Anything else?

Shawn: We're not totally in favor of the hour, the whole 12 hours a day.

Alan: Shawn is asking if the work hours can be shortened. I think we've stuck with what we've done with other businesses in town and what we deemed reasonable there. We've already voted on that issue. I guess you could appeal our decision on that ground. Would that be Shawn's recourse there, Roger?

Roger: Yes. If Shawn isn't happy with the decision by the DRB, you have the avenue of appeal to the State. And that appeal period ends on the 28th, I believe, a month after the issuance of the decision.

Alan: Yes, The State Environment Board. Could help you Shawn with an address, where it goes, Roger?

Roger: Yeah, I believe it's on the decision itself, at the very bottom it say the department to contact. Shawn, you would need to provide me with a letter of appeal as well, and I will provide you with the interested parties. And that is the extent of my responsibilities in any appeal to the State, that I provide

a list of interested parties. It is up to the appellant to contact the State to make that appeal valid.

Chad: I move that we craft a letter stating that we agree with the lawyer's good faith letter from/for Maria. But we do ask for documentation, on the day of the burn or at least the day after, stating hour of burn, who is the person responsible, weather conditions and materials being burned.

Cami: I second that.

Alan, Cami, Chad and Peter voted AYE.

Alan: Meeting adjourned at 8:42.

Submitted by Peter Doubleday