

**MINUTES
CHARLESTOWN PLANNING BOARD
FEBRUARY 3, 2009**

Members Present: Robert Frizzell –Chair; Sharon Francis –Vice-Chair; Brenda Ferland –Ex-Officio; Ken Moore, Pat Royce

Alternates Present: Herb Greenwood, Andy Jellie, Linda Stewart

Staff Present: David Edkins – Planning & Zoning Administrator
Regina Borden – Recording Secretary

CALL TO ORDER & SEATING OF ALTERNATES: Robert Frizzell called the meeting to order at 7:02 PM. He noted that regular members Eric Lutz and Doug Ring were absent. He called upon Linda Stewart to sit for Eric Lutz and Andy Jellie to sit for Doug Ring.

APPROVAL OF MINUTES OF JANUARY 20, 2009:

Sharon Francis moved to approve the Minutes of the January 20, 2009 meeting as printed. Pat Royce seconded the motion. With seven members in favor, the minutes were approved.

ROGER G. & SUSAN M. FILION; ERIC F. FLAIG; CONNECTICUT VALLEY AUTO, LLC; DANIEL & CAROL McSHANE – Boundary Adjustments Among Four Existing Lots – Calavant Hill Road – Map 205, Lots 31, 32, 33, & 34 – Zone E (Mixed Use): Mr. Frizzell advised that this is four different neighbors making boundary adjustments. Surveyor Tom Dombroski represented the applicants and explained that these properties are on the west side of Calavant Hill Road. He displayed a marked up plan on which the yellow lines define the old boundaries and the blue lines show the proposed new boundaries. These adjustments will straighten things out; such as gazebos, gardens, fences, etc. The property line between Flaig and Connecticut Valley Auto went through a mobile home. They moved the 50-foot strip of land that now exists in a straight line to a 50-foot strip with a bend in it; there are no driveways on it but in the future it could be a road. Mrs. Stewart questioned the “wood road” off Calavant Hill shown on the plan. Mr. Dombroski said it is another access to McShane’s property but it is not a driveway.

Mr. Purtle asked if the 50-foot strip of land will be an access road. Mr. Frizzell explained that it is a strip of land that could be used as access to possible back lots in the future. Mr. Edkins reported that abutters, Mr. & Mrs. Hall and Mr. Gonet, had come into the office to see him but after looking at the plans and realizing it did not impact them they were not opposed to the boundary adjustments.

Mrs. Francis moved that the Planning Board approve the lot line adjustments among these four lots. Mrs. Stewart seconded the motion. With seven members in favor, the motion was approved.

ROBERT & ELIZABETH MORWAY, Jr. – Five (5) Lot Subdivision – Unity Stage Road – Map 209, Lot 20 – Zone D (Watershed): Surveyor and Septic Designer Tom Dombroski represented the applicants, Robert and Elizabeth Morway, Jr. This property is located on the north side of Unity Stage Road, west side of Morningside Lane and east of Wheeler Rand Road. Zone D requires lots to consist of a minimum of five acres. He did the test pits on the property. All the driveways were reviewed by Keith Weed, Highway Superintendent, who will sign the Driveway Permits within the next week.

Lot #1 is off Wheeler Rand Road and will be 5.78 acres. It has a poorly drained wetland area as delineated by Jim McClammer, there are two existing wells with spring rights on it, the land is steep but there is an acre of flat land on the top.

Lot #2 will have 5.01 acres and fronts on Unity Stage Road, the abandoned portion of Wheeler Rand Road and Little Sugar River. The land is all wooded; there is a flat building site. A portion of it is subject to the Shoreland Protection Act which extends 250-feet from the normal high water mark of the Little Sugar River.

Lot #3 will have 5.20 acres and is similar to Lot #2. There is a large flat area on the top.

Lot #4 will have 5.13 acres. It is not as wide from the top of the bank to the road but has a lot of road frontage. There is a well that serves the Sargent property. Angelica Dierks advised that the water line goes underneath the river but since the 2005 flood the mark line was covered with rock so it cannot be found right now.

Lot #5 will have 5.16 acres. It has frontage on Unity Stage Road and Morningside Lane. There are some wetlands which are shown on the plan. The proposed driveway is beyond the berm.

Mr. Dombroski proceeded with the test pits:

Lot #1 – The test pit is on the top of the hill; it has fine sandy loam, loamy sand and gravel.

Lot #2 – It has loose gravel, gravel loam; it is similar to lot #1.

Lots #3 and 4 – are similar to the other lots.

Lot #5 – had more rock in it, some loamy gravel.

The plan was submitted to the NH DES because it is in the Shoreland Protection area; they are awaiting approval but anticipate it should come in about 10 days. It is a nice piece of land, it is well wooded. There are no plans to log it. There is a steep bank but that is protection for the river.

Mr. Purtle questioned the contour delineating the top of the bank. Mr. Dombroski felt it is about 100 feet from the river. Mrs. Royce noted the land is all in Current Use at this time. Mr. Edkins said they cannot build within 50-feet of the river; they can build a house within 250-feet of the river but it has to be permitted through the DES. There are restrictions on the cutting of trees as well. Mr. Dombroski advised that before somebody builds they need to have a septic system design that has to be approved by the DES.

Mrs. Dierks is looking at two of the lots; what kind of a buffer is required. Mr. Dombroski said she probably would not see them change. The Shoreland set-back is in back of the bank.

Mrs. Francis has some trouble with using a vertical river bank as a part of the required acreage. This is a steep bank. Technically on paper you are getting 5 acres for each of those lots but on land not one of those lots has 5 acres; this is a distortion of a 5 acre lot. She read a section from the Subdivision Ordinance, page 19, Section 4.6. Mr. Dombroski pointed out that they do not want a concentration of lots in the Watershed area so that is why it is 5 acres. If it was all flat they could put in more lots. There is another acre further up that can be built on but they chose not to use it. Mr. Frizzell would like to take a look at the property.

Warren Stevens questioned the phrase “cannot be platted”. Mrs. Francis explained that it is not defined. Mr. Stevens said it can be mapped and Mr. Dombroski did map it. As the crow flies it would be more than 5 acres.

Mrs. Stewart asked if there is the potential for erosion if the trees are cleared. Mr. Dombroski said you cannot find any water coming off this land across the road except by lot #5. There is a culvert on lot #2 and the water doesn’t even go through it; there is no water on the road.

Mrs. Francis went back to the clearing of trees; the Shoreland Protection Act has a 250-foot boundary which goes through the middle of the developable land that goes through lots 2, 3 and 4—it requires a Timber Management Plan for every property. Anyone that buys a lot has to follow those limitations on the amount of cutting they can do. Mr. Dombroski asked the PB if they want to see some notation on the plat referring to that. Mr. Edkins asked if it was submitted to the NH DES because it is subject to the Comprehensive Shoreland Act. Mr. Dombroski responded that this is in the process now; they are waiting for a determination. DES will not wait for a PB decision. Mrs. Francis asked if a well radius needs to be cleared of trees. Mr. Dombroski said “no” it is an imaginary 75-foot circle.

Mrs. Dierks asked when the wetlands were delineated. Mr. Dombroski answered that Jim McClammer delineated them around the beginning of September. She questioned their location and asked what kind of development will go in. Mr. Dombroski sees a nice cabin going in on lot #5. The water table was at least 60 inches deep. Mrs. Dierks questioned lot #4; how does it affect Vicky Sargent’s drinking water. Mr. Dombroski said it should not affect her drinking water. The test pit is 220-feet from the well whereas the leach field is required to be 75-feet away and it will be about 90-feet away from the top of the bank.

Mrs. Francis is uncomfortable with including the steep slope with the acreage requirement. She is concerned about lot #4 with the tree cutting. Lots #2 and 3 are more clearly buildable if they were wider. She is not sure about lot #5. With unanswered questions she feels the PB should schedule a site visit.

Mrs. Dierks noted that on lot #4 the 2005 flooding caused some erosion on a section of the steep bank. What impact will building have on that bank? Mr. Dombroski noted that more damage could be done to the property by a logger who is exempt from some of the regulations.

Mr. Frizzell suggested the PB make a list of items they want to see addressed. Mr. Jellie felt a site visit would be beneficial. There was discussion relative to the statutory time frame and when the clock starts. Mr. Edkins felt the PB should decide if the application is complete or not; if complete that starts the clock. If they determine it is not complete the PB needs to tell them why it is not. Mrs. Ferland noted that they have done a lot of work on this application; the PB needs to decide if this application is complete with conditions to move it forward. Mr. Dombroski was going to calculate the steep / non-steep slopes and research the question of the shoreland cutting. Mr. Edkins explained that the clock would start the 65 day period if the PB determined the application was complete but if questions remained unanswered the PB could ask the applicant to agree to an extension or they could petition the Selectboard to grant an extension of up to 90 days until they reach a decision. When the PB says an application is complete they are saying that the applicant provided all the information required by the regulations.

Mrs. Ferland moved to accept the application from Robert & Elizabeth Morway, Jr. as complete, noting that this does not constitute approval of the subdivision. The PB would like to know what part of the lots will be buildable, what parts will be left as is and there be a notation on the map regarding the cutting limitation due to the Shoreland Protection Act. Mr. Jellie seconded the motion. Vote In Favor: Mrs. Ferland, Mrs. Royce, Mr. Jellie, Mr. Moore, and Mr. Frizzell. Opposed: Mrs. Francis and Mrs. Stewart. Mrs. Stewart was not sure that all the lots meet the requirements for a subdivision. The motion passed by a 5-to-2 vote.

Mr. Jellie felt, if it is reasonable, he would like to have Jim McClammer attend the next meeting with Mr. Dombroski. Mr. Frizzell advised the abutters that this will be on the agenda for the February 17th meeting and all subsequent meetings until a decision is reached but there will be no more notices through the mail.

STEVEN & BRENDA THOMPSON – Two (2) Lot Subdivision – Jabe Meadow and Weeks Roads – Map 255, Lot 35 – Zone E (Mixed Use): Warren Stevens advised that there have been no changes made since the preliminary consultation. They are subdividing a 5.15 acre lot into two lots of 3.54 and 1.61 acres. The 1.61 acre lot has frontage on Weeks Road. Relative to the site distance from the driveway; one can see all the way down to the intersection with Jabe Meadow Road, a distance of about 450 feet, and up Weeks Road about 400-feet. They met with Keith Weed, Highway Superintendent, and the Driveway Permit will be issued. The lot will be 260 feet in width at the house location. Test pits have been done at the four corners of the house; there will be no problem with the leach field area. They will be applying for State Subdivision approval pending a decision at this meeting. Mr. Edkins noted that any approval would be subject to the State Subdivision approval. Mr. Stevens noted that there are a number of other lots

in the immediate area that are smaller. The abutters were notified of this meeting when the application was submitted. There were no abutters present.

Mrs. Francis moved to accept this application for Steven and Brenda Thompson as complete. Mr. Moore seconded the motion. With seven members in favor, the motion was approved.

Mrs. Ferland moved to grant final approval for Steven and Brenda Thompson subject to the acquisition of a Driveway Permit and the State Subdivision approval. Mrs. Royce seconded the motion. With seven members in favor, the motion was approved.

PLANNING & POLICY ISSUES:

Herbert and Debra Monroe: Mr. Edkins received a note from Mrs. Monroe asking if she took in an occasional foster dog, one at a time, would she have to amend her PB approval for a Dog Training business. This would involve a dog that had to be given up by the owners until they could be adopted by a new owner. She would be licensed by the state to do this. There was a consensus of the PB that this would be considered a part of the current business and would not require additional Planning Board approval.

ADMINISTRATION & CORRESPONDENCE:

Next Meeting: One new application was received for the next meeting scheduled for Tuesday, February 17th, 2009.

ADJOURNMENT:

There being no other business, Mrs. Royce moved for adjournment. Mrs. Ferland seconded the motion and, with all in favor, the meeting adjourned at 8:39 PM.

Respectfully submitted,
Regina Borden, Recording Secretary

Minutes Filed: 2-6-09

(Note: These are unapproved minutes. Corrections, if necessary, may be found in the minutes of the February 17, 2009, Planning Board meeting.)