

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

Members Present: Robert Frizzell –Chair; Sharon Francis –Vice-Chair; Brenda Ferland –Ex-Officio; Eric Lutz, Doug Ring, 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 7:00 PM. He noted that regular member Ken Moore was absent and called upon alternate member Andy Jellie to sit in his place.

**APPROVAL OF MINUTES OF FEBRUARY 17, 2009:**

**Brenda Ferland moved to approve the Minutes of the February 17, 2009, meeting, as printed. Pat Royce seconded the motion. With five members in favor, the minutes were approved. Eric Lutz and Sharon Francis abstained as they were not present at this meeting.**

**Sharon Francis moved to amend the Minutes of the February 3, 2009, meeting as follows: Page 4, second paragraph, third line, after “when the clock starts” add “and having time to visit the site after the snow melts”. Pat Royce seconded the motion. With five members in favor, the amendment was approved. Eric Lutz and Doug Ring abstained as they were not present at this meeting.**

**ROBERT & ELIZABETH MORWAY, Jr., Cont’d. – Five (5) Lot Subdivision – Unity Stage Road – Map 209, Lot 20 – Zone D (Watershed):** Surveyor Tom Dombroski, representing the applicants, displayed new maps onto which he added Note No. 5 referencing the Comprehensive Shoreland Protection Act. This will make the new owners aware of what they are allowed to do. He distributed copies of RSA 483-B – Comprehensive Shoreland Protection Act –A summary of the Standards. He also noted that the applicants have received the DES Subdivision approval that was dated February 17, 2009. The Driveway Construction Permits have been issued for each lot by the Highway Superintendent. Following the last meeting Mr. Dombroski did a calculation on each lot excluding the wetlands and steep slopes. Each lot had the following usable land: Lot 1 - 2.4 acres; Lot 2 - 2.61 acres; Lot 3 - 2.69 acres; Lot 4 - 2.3 acres and Lot 5 - 2.35 acres. He would like to be notified a few days ahead of the site visit so he can be sure the flagging is all there.

There was discussion relative to being able to find an area on a five acre lot that is suitable for a house. Mr. Frizzell noted that on most any five acre lot there must be a

place where a house can be built and Mr. Dombroski just proved that point. Jan Lambert questioned where the incentive potential is to make sure all these separate houses comply with the Comprehensive Shoreland Protection Act (CSPA). Mr. Dombroski said if you look at the CSPA the violation fines are huge. Mr. Edkins does not go on patrol but if violations are brought to his attention he investigates and takes appropriate enforcement action. Violations of the CSPA are enforced by the State. Ms. Lambert is concerned with the steep slopes. Mrs. Ferland feels that neighbors who suspect violations will call to report them. Mrs. Dierks noted that once damage is done it is hard to undo it. Mrs. Francis said the Board would have the option, based on what it may approve, to ask the Morways to give buyers of the lots a copy of the approved Plan, a copy of the CSPA and any other conditions the Board might include in the approval. Mr. Edkins explained that they are talking about two different things: 1) the Town's Watershed Zone; and 2) the State's Comprehensive Shoreland Protection Act.

Mr. Lutz noted that the lots are very pretty; it is like walking through the woods so he hopes most of the trees will remain there. He would like to see nice homes on the lots.

Attorney Rebecca Todd addressed the board representing Mrs. Victoria Sargent. She had many questions. The main concern deals with the deeded water rights as delineated on lot #4; it has been her sole water source for over 40 years. She sees that the wetlands are delineated as poorly drained wetlands. Jim McClammer, a Certified Wetlands Scientist, explained that he delineated the wetlands on the site according to accepted standards. He flagged the wetlands in the field in the fall; he walked in the area several different times. Attorney Todd referenced the Ordinance and questioned the fact that no natural features were delineated; where will the tree stump burial be. Mr. Dombroski responded that if they were going to be building roads and homes soon it would be needed but they are just creating the lots now. He is not aware of an area where stumps are buried on this lot. Mr. Edkins noted that this is in the regulations on page 16. Attorney Todd noted that there is no erosion control plan and no rock outcrops, base flood elevation level or flood hazard areas are shown on the plan. Where do they plan to put in new culverts or storm drains? There should be documentation from the Fire Chief regarding sufficient water for fire protection. It is helpful to see this data. She would like to see this data transferred to a map to see where the developable land is. Ms. Todd also asserted that steep slopes and soils with bedrock within 18 inches of the surface should be shown on the plan. Attorney Todd suggested scheduling a site visit in early April; Mrs. Sargent will not object to a delay because of the unanswered questions.

Attorney Todd stated that Lot #4 is steep with very little buildable area. The slope goes right down to the springhouse. She thinks the PB should look closely at the proposed septic system. This seems like a compromised lot to begin with. If something were to happen to this water source Attorney Todd would advise her client to seek remedy from the property owner and the town for approving this compromised lot. Mr. Jellie asked why she considers lot #4 a compromised lot. Attorney Todd said because of the size of the developable area, steep slopes and the existing spring rights on the property. Mrs. Dierks added that some erosion is already present from the October 2005 flood. Mrs. Francis referenced the CSPA guidelines stating that it will be tricky to develop Lot #4.

Mr. McClammer advised that he did not witness any ledge in his work on the site. Mr. Dombroski said there is a ledge crop where the dam used to be. He has information on the rock outcroppings in his computer.

Mrs. Francis mentioned that this property is posted. Mrs. Morway explained that the signs were there from the previous owners and gave permission for member to walk the property.

**Mrs. Ferland moved to continue this Hearing until the next meeting on Tuesday, March 17, 2009. Mrs. Francis seconded the motion. With seven members in favor, the motion was approved.**

**Mrs. Francis moved to have a site visit to look at the property and that the date of the visit be decided at the next meeting on Tuesday, March 17, 2009. Mr. Ring seconded the motion and added that it should be a complete walk through. With seven members in favor, the motion was approved.**

Mrs. Ferland would like to be able to make a final decision during the meeting following the site visit. It was agreed that the tentative schedule for the site visit be set as Tuesday, April 7, 2009 at 5:00 PM.

Mr. Frizzell called this Public Hearing to order at 8:16 PM.

**NH ELECTRIC COOP – Removal of Hazardous Tree on Designated Scenic Road – Old Acworth Stage Road:** Mr. Frizzell advised that this hazardous tree is on a designated scenic road known as the Old Acworth Stage Road. The Town is the abutter; they cannot cut it because it is on a Class VI road. NH Electric Coop has requested permission to remove the tree as it poses a hazard to their power lines. Mr. Edkins distributed photographs showing that the tree in question leans over the power lines and that the trunk is severely rotted at the base. Mrs. Ferland explained that when the power company takes down a tree they usually clean-up the area.

Tim O’Hearne asked who benefits from a scenic road; it is the tourists. It makes no sense to have a scenic road with power lines.

There being no other comments, Mr. Frizzell closed this Public Hearing at 8:22 PM.

**Mrs. Francis moved that the Planning Board approve the NH Electric Coop’s request to remove the hazardous tree on the Old Acworth Stage Road and, because it is a scenic road, ask them to remove the tree or move it back so it is not an eyesore. Mr. Ring seconded the motion. With seven members in favor, the motion was approved.**

**PLANNING & POLICY ISSUES:**

**Zoning Amendments:** The annual voting will be held next week on Tuesday, March 10<sup>th</sup>, 2009. Copies of the full text of the Zoning Amendments and a map will be available at the polling location.

**ADMINISTRATION & CORRESPONDENCE:**

**NH Office of Energy and Planning:** Copies of the notice on the 16<sup>th</sup> Annual Spring Planning & Zoning Conference to be held on Saturday, May 2<sup>nd</sup>, 2009, at the Radisson Hotel in Manchester, NH were enclosed in the packets. Interested members should contact Mr. Edkins who will take care of the registrations.

**Next Meeting:** The next meeting is scheduled for Tuesday, March 17, 2009, at 7:00 PM.

**ADJOURNMENT:**

**There being no other business, Mrs. Ferland moved for adjournment. Mrs. Royce seconded the motion and, with all in favor, the meeting adjourned at 8:26 PM.**

Respectfully submitted,  
Regina Borden, Recording Secretary

Minutes Filed: 3-5-09

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