

**MINUTES
CHARLESTOWN PLANNING BOARD
MARCH 17, 2009**

Members Present: Robert Frizzell –Chair; Sharon Francis –Vice-Chair; Steven Neill – Ex-Officio, Eric Lutz, 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 7:00 PM. He noted that Doug Ring has resigned from the Board as he was elected to the Selectboard. The state law requires that when someone resigns there cannot be an alternate sitting in their place but the Board can appoint somebody to fill that vacancy for one year.

Sharon Francis nominated Andy Jellie to fill the vacancy created by the resignation of Doug Ring for one year. Ken Moore and Pat Royce seconded the motion. With six members in favor, the motion was approved.

Mr. Edkins noted that Andy Jellie can sit on the Board but should abstain from voting at this meeting until he is sworn in.

Steve Neill is representing the Selectboard at this meeting as Brenda Ferland is no longer a Selectboard member. Previously the Selectboard had designated him as their Alternate Ex-Officio member to the Planning Board. The Selectboard will designate a replacement during their meeting tomorrow night.

ELECTION OF OFFICERS FOR 2009-2010:

Robert Frizzell asked Sharon Francis to assume the Chair position for this election.

Chair: Ken Moore nominated Robert Frizzell as the Chair as he does a good job. Eric Lutz seconded the motion. With five members in favor, the motion was approved. Robert Frizzell and Andy Jellie abstained.

Robert Frizzell resumed the position as Chair.

Vice-Chair: Eric Lutz nominated Sharon Francis as the Vice-Chair. Pat Royce seconded the motion. With five members in favor, the motion was approved. Sharon Francis and Andy Jellie abstained.

APPROVAL OF MINUTES OF MARCH 3, 2009:

Sharon Francis moved to approve the Minutes of the March 3, 2009, meeting, as printed. Pat Royce seconded the motion. Robert Frizzell felt there should be

wording clarification on page 3 under NH Electric Coop, second sentence as the Town does not maintain that road: “The Town is the abutter; they cannot cut it because it is on a Class VI Road.” Sharon Francis noted it is a Town designated Scenic Road. She recommended that the sentence be changed to: “The Town is an abutter; they cannot cut it because it is a Class VI road, officially not maintained.” Mr. Edkins advised that the NH Electric Coop requested this cutting. With four members in favor, the minutes were approved as amended. Ken Moore, Andy Jellie and Steve Neill abstained.

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 a new plan and copies of his response to an email from Attorney Rebecca Todd.

1. *Soil Erosion Plans:* Mr. Dombroski does not feel a Soil Erosion Plan is applicable at this time as the applicants are not proposing any construction or new roads. The applicants just plan to sell the lots. The property is now in Current Use. Copies of the Driveway Permits have been received.
2. *Culverts:* Mr. Dombroski advised that driveway locations may be changed if the property owners decide to build in a different location. Culverts are shown on the map for the driveways as approved by the Highway Superintendent at this time.
3. *100 Year Flood:* The 100 year flood mark is on the plan. It is right along the river. It does not interfere with any other properties.
4. *Stump Burial Sites:* Mr. Dombroski stated that there are no know stump dumps on the property at this time and none are proposed in this application as there is no proposed construction therefore he does not feel the issue is relevant. He included a DES Fact Sheet on stump dumps in his packet.
5. *Rock Outcropping:* Mr. Dombroski noted an area on Lot #1 near the Wheeler Rand and Unity Stage Road intersection. The other one is in the area of the falls where the dam used to be years ago.
6. *Steep Slopes 25% Plus:* Steep slope areas are highlighted in “pink” on the plan, “blue” indicates the wetlands and “green” indicates the usable areas for building.

Mr. Frizzell asked if there is any special proposal to protect the well/spring. Mr. Dombroski drew a 75-foot radius around the well; it doesn’t even go to the top of the steep bank. All that area in lot #4 is in the Shoreland Protection area and under that control. The closest thing he shows is another possible well about 200-feet away from the Sargent well. Relative to a septic system there is a 50’ x 80’ area shown on the plan; it is what DES wants to show for a potential septic site. DES reviewed all this already.

7. CaC – (Cardigan-Kearsarge) Soils: Soils could have bedrock within 18” of surface. This is shown on a small portion of Lot 4 and the northern portion of Lot 5 where a test pit was dug to at least 6-feet. Mr. Dombroski said every lot had a test pit. You might run into ledge at 20” in some locations. Fred St. Pierre noted that the DES is pretty protective; they have rules for a reason. No one should have to make rules to double check them.

Attorney Rebecca Todd stated that they are not here to stop this subdivision but rather to protect the spring house and to do it in a way that is reasonable and gives protection to a sole water source. She wanted the Board to know that the Erosion Plan and Tree Stump burial are in the Town regulations.

Mr. Edkins gave Attorney Todd copies of the Driveway Permits. He met with the Fire Chief today who indicated a willingness to issue a memo that he had no significant concerns with more residences in this area. This is in a rural area, as much of Charlestown is, and the Fire Department is well equipped to handle fires in outlying areas. The new Fire Chief is Gary Wallace who previously was the Fire Chief for many years, stepped down for a few years, and now ran for the office again as Gary Stoddard stepped down.

Mr. Edkins noted that the Erosion and Sedimentation requirements are on page 16, Section 4.5.3, of the regulations. They were intended for a subdivision such as the St. Pierre subdivision where they are constructing new roads, utilities or other significant earth disturbances. It was not intended for subdivisions such as this that are on an existing road, there will be no new roads, no utilities, and no significant earth moving. Relative to the stump dumps they are not proposing any; there are State regulations. The applicant/new owner will have to adhere to the State rules.

Attorney Todd explained that in years to come none of them want to be back to discuss contamination of the spring house. They want to be sure that no one in the area around the spring house will dispose of a dead cat, brush or have an ATV trail, etc. The direction of the groundwater flow and location of the septic system are important to her. She felt the PB would want to review the septic system design and location prior to development of this site, lot 4, and to increase the wellhead radius to 150-feet rather than 75-feet. They want to do everything possible to protect Mrs. Sargent’s water source. Whoever purchases lot 4 should be liable for any contamination that happens to the spring house. The average cost of a well in this neighborhood is \$4,500. One option is to escrow or bond one-half of the cost for a new well. Mr. Neill asked what kind of a well is there. Mrs. Sargent said a surface water spring. Mr. Neill stated that a raccoon could drop dead and contaminate that well; at any point Mrs. Sargent could run the risk of contamination of her water source. The system is antiquated to start with; they aren’t allowed any more. Attorney Todd noted it is not the preferred method but it has been this way for over 40 years. Mr. Neill questioned how often she tests the water. Mrs. Sargent said once a year. At one time it was contaminated, they had to do what the State required and it has been fine since then.

Mr. Lutz felt most of the concerns involved lot #4. Angelica Dierks expressed concerns about lot #5. She has serious reservations about the depiction of the wetlands being accurate as they actually extend closer to Morningside Lane and she does not feel anybody could find a decent building area on this lot. “What sort of ledge is there; it is mountain goat property.” There were culverts put in when the improvements were made to the Unity Stage Road. Mr. Frizzell stated that the group can look at the area during the site visit. Ms. Dierks wanted to include in the record that at the first meeting and again at this meeting she spoke about the steep area on lot 4, the erosion that is already occurring there. The PB viewed pictures she took of this area this morning. The floods of 2005 took away some buffer; what was 50-feet is now about 40-feet. People need to consider the potential of a problem down the road.

Mrs. Francis felt the PB could specify a septic system location if they wanted to. Mr. Edkins noted that the location and design of septic systems is usually controlled by the State so he would have to do some research on whether the PB has the authority to place conditions on the location or design of a septic system. Mr. Dombroski said it is already protected by about 120-feet because of the steep bank.

The site visit was scheduled for Monday, April 6th, at 5:00 pm and will begin on Lot #5. Hopefully, Mr. McClammer will be available. No new notices will be mailed. Mr. Jellie suggested that since there were no concerns about lots #1 and 2 they could just be looked at from the road. Everyone was asked to park near the intersection of Morningside Lane and Unity Stage Road. The next regular meeting will be Tuesday, April 7th at 7:00 pm.

PLANNING & POLICY ISSUES:

Natural Resources Inventory: Mr. Edkins reported that the Conservation Commission and Upper Valley Lake Sunapee Region Planning Commission have completed Phase I of the Natural Resources Inventory. The book and maps are available for review. The CC just authorized the undertaking of Phase II which will include Field Verification of the mapping and the development of a Natural Resources Conservation Plan.

Zoning Articles: Mrs. Francis noted that all three Zoning Articles passed by the voters. Mr. Edkins will put copies of the updated ordinances in the next packets. He will do a write-up for the Our Town newspaper to get the word out on the new restrictions on RVs/campers.

ADMINISTRATION & CORRESPONDENCE:

Southwest Region Planning Commission: Travis Royce sent an email to advise that the SWRPC is sponsoring a workshop designed to provide training regarding the newly released Innovative Land Use Planning Techniques: A Handbook for Sustainable Development. The Planning guide is the result of a collaborative effort by the NH DES in partnership with the State’s nine Regional Planning Commissions, the NH OEP and others. There will be two workshop sessions covering important elements contained in the guide. Session I – Energy Efficient Development, Village Plan Alternative, or Wildlife Habitat Management; Session II – Conservation Subdivision, Drinking Water Protection, or Agriculture Incentive Zoning. It is scheduled for Saturday, March 28th,

9:00 am to Noon at the Bentley Commons, 197 Water Street, Keene, NH. There is no charge, but pre-registration is required. Contact Mr. Edkins if members plan to attend.

Appointments: After Town Meeting Mr. Edkins usually posts and puts on the web site a list of vacancies for the Town offices. Mrs. Stewart's term does not expire until next year. Mr. Jellie was just appointed as a regular member for one year.

Mrs. Francis moved to re-appoint Herb Greenwood as an Alternate PB member for two years. Mr. Lutz seconded the motion. With six members in favor, the motion was approved. Mr. Jellie abstained from the vote.

The Planning Board approved having Mr. Edkins include the vacancy for a third Alternate member on the list.

Capital Improvement Committee: The Warrant Article passed to form a Capital Improvement Committee. There will be two PB members. Any members that are interested should contact Mr. Edkins. Appointments are made by the Selectboard.

UVLSRPC: Mr. Lutz has been the Town's representative to the UVLSRPC for four years and is now requesting that he be relieved from this position. Jan Lambert is the second representative and is doing a good job. Mr. Edkins will add this position to the vacancy list.

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

ADJOURNMENT:

There being no other business, Mrs. Royce moved for adjournment. Mr. Lutz seconded the motion and, with all in favor, the meeting adjourned at 8:46 PM.

Respectfully submitted,
Regina Borden, Recording Secretary

Minutes Filed: 3-20-09

(**Note:** These are unapproved minutes. Corrections, if necessary, may be found in the minutes of the April 7, 2009, Planning Board meeting.)