

**MINUTES
CHARLESTOWN PLANNING BOARD
JUNE 26, 2009**

Members Present: Robert Frizzell –Chair; Sharon Francis –Vice-Chair; Doug Ring – Ex-Officio, Andy Jellie, Eric Lutz, Ken Moore, Pat Royce

Alternates Present: Herb Greenwood, 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 a full Board was present therefore there was no need to seat Alternate members.

APPROVAL OF MINUTES OF JUNE 2, 2009:

Mrs. Francis moved to approve the Minutes of the June 2, 2009 meeting as printed. Mr. Ring seconded the motion. With six members in favor, the motion was approved. Mr. Jellie abstained as he was not present at this meeting.

PETER WOJENSKI d/b/a CRISTY'S AUTO SALES – Sign Permit – 3607 Claremont Road – Map 205, Lot 64 – Zone E (Mixed Use): Mr. Wojenski was present and explained that he wants to relocate his used car business back to the Frank's Bargain Center property. Mr. Edkins advised that this is the same sign that Mr. Wojenski had there previously. It is an appropriate size.

Mrs. Francis moved to approve the Sign Permit for Peter Wojenski d/b/a Cristy's Auto Sales. Mr. Ring seconded the motion. With seven members in favor, the motion was approved.

JOEL STODDARD d/b/a J. S. AUTOMOTIVE EQUIPMENT REPAIR – Sign Permit – 29 Willard Street – Map 117, Lot 047: Mr. Stoddard plans to start an auto repair business where the former White House Auto business was located on Willard Street. Mr. Edkins advised that a Site Plan Review is not required as this business would not constitute a change of use in the property. The sign meets the size and height requirements.

Mr. Ring moved to approve the Sign Permit for Joel Stoddard d/b/a J.S. Automotive Equipment Repair. Mr. Moore seconded the motion. With seven members in favor, the motion was approved.

Mr. Frizzell stepped off the Board for the next agenda item; Mrs. Francis assumed the Chair position. Mrs. Francis asked Alternate member, Mrs. Stewart, to sit on the Board to replace Mr. Frizzell.

Mr. Poisson expressed concern about Mrs. Francis having a conflict of interest with this next application as she has a close personal relationship with Mr. Frizzell, therefore he felt she should step off the Board. Mr. Poisson noted that in the past when he was the applicant Mrs. Francis quite often asked Kenneth Champney to step off the Board due to his personal relationship with him. He feels Mrs. Francis has a closer relationship with Mr. Frizzell than Mr. Poisson and Mr. Champney ever had. Mrs. Francis said if she agreed with his statement she would step down but she did not. She asked the other PB members if they wished to comment on this. Mr. Lutz and Mr. Ring did not feel that any conflict exists.

ROBERT & APOLONIA FRIZZELL, cont'd. – Re-Subdivision of Two (2) Existing Lots into Four (4) Lots – North Hemlock, Old Claremont and Old Acworth Stage Roads – Map 228, Lot 12 and Map 114, Lot 26 – Zones E (Mixed Use) and D (Watershed): Mrs. Francis noted at the last meeting the PB had a presentation and agreed that because there was a prior subdivision they wanted to review the minutes from the two meetings in 2000. Copies of those minutes were enclosed in their packets for this meeting. A plan of the 2000 subdivision was displayed. Mr. Edkins advised that in 2000 the issue of frontage on a Class VI road came up but it was Mr. Champney who found a provision in the Subdivision regulations that referenced the issue of subdivision on a Class VI road; it stated that the plat itself contain a note acknowledging that the frontage was only on a Class VI and that holds the Town harmless from any liability of services, this was a condition of the approval.

Travis Royce from Landmark Land Services, LLC was present representing the applicants. He presented new plans on the roadway showing the traveled portion of the Old Acworth Stage Road and stating that it is Class VI. Mr. Royce noted that Lot #12.1 is the existing lot and Lot #12.2 is the new lot that will have access on the Old Claremont Road. This proposal is both for an annexation and a subdivision.

Mrs. Stewart thinks the scenario would make more sense if lot #12.1 had the house on it because then it is still that lot for access from the road; if people were to buy lot #12.1 they would use the Old Acworth State Road.

Mr. Ring believes that leaving lot #12.1 with the access off the Old Acworth Stage Road will create problems in the future. He would prefer not to have access off the Class VI road. A subdivision makes it more of a problem as the road isn't up to standards.

Mr. Edkins noted that the Old Acworth Stage Road is a public right-of-way not maintained by the Town. There are a number of houses on that section and the owners maintain the road themselves. To bring that road up to Town standards (Class V) would be difficult and expensive; there now is a 50-foot right-of-way requirement. In 2000 when lot 12 was created the Town had no prohibition on subdividing on a Class VI road

but it required the hold harmless statement. In 2003 however the Town revised the Subdivision regulations and they no longer allow subdivisions that have exclusive frontage on a Class VI road. In this case, lot #12.1 only has frontage on a Class VI road, Mr. Frizzell then subdivided most of it off giving it frontage on a town maintained road, still leaving one lot with only frontage on a Class VI road. There is still just one lot on the Class VI road with the balance of frontage on the Class V road.

There was discussion relative to the access to the Class VI road being grandfathered. Mr. Edkins noted that access approval lies with the Highway Superintendent and the Selectboard; frontage is now the issue.

Mr. Poisson pointed out the issue of access; this isn't just a dirt road because below the Frizzell property there is a bridge that is maintained by Darrell Osgood. If that bridge was gone who would fix it. Access is important in this case. Mr. Royce was not aware of the condition of the bridge.

Mr. Champney feels this is premature subdivision which is what Mrs. Francis used to bring up when there were subdivision applications on the Borough Road.

Tom Adams stated that Mrs. Francis has not wanted subdivision on the Borough Road which is a Class V road but yet she is willing to allow it on this Class VI road.

Mrs. Francis said if there was no prior access from this property to the Class VI road the PB would have an easy time not approving it but they have a legal approval for access to that road. The question is does this PB have the authority to remove the Frizzell existing access. Mr. Royce obtained a Driveway Permit from the Highway Superintendent, Mr. Weed. The subdivision is on the Old Claremont Road. Mr. Edkins read a portion of the subdivision regulations on page 20, Section 4.6.5. "Lots"; and on the bottom of page 3 for the definition of "Street".

Mr. Ring felt the new change takes the lot out of the grandfathered situation and the new proposal could have other options to do this subdivision. He thinks the applicants are asking this Board to do something that will cause more problems in the future.

Mr. Frizzell stated he would have difficulty in getting the State to give him approval to rebuild the bridge. He cannot put a road through the property because of the Clay Brook. He has been through many scenarios and this is the cleanest. They have to have frontage to build a family house on the lot. He does not feel the PB can take away his grandfathered access.

Mr. Lutz moved to accept this application for Robert & Apolonia Frizzell as complete. Mrs. Royce seconded the motion. With six members in favor, the motion was approved. Mr. Ring was opposed as he isn't settled on the information; he would like to see different options.

Mr. Frizzell stated that this is now his third meeting so would like a final decision.

Mr. Lutz moved to grant final approval of this application for Robert & Apolonia Frizzell. Mr. Jellie seconded the motion. Voting in favor: Mr. Lutz, Mr. Jellie, Mrs. Royce, and Mr. Moore. Opposed: Mr. Ring, Mrs. Stewart, and Mrs. Francis. The motion was approved by a 4-to-3 vote.

Mrs. Francis stepped down as the Chair; Mr. Frizzell assumed his seat as Chair; and Mrs. Stewart returned to her Alternate position.

OTHER BUSINESS:

Hot Tubs: Mr. Laurel West advised that the Heritage Restaurant is closed so he wanted to address the sign issue. He would like to take the top of his sign and put it on the existing Heritage sign post then remove his post. It would improve his visibility and eliminate one sign in this area. Mr. Lutz questioned what a new owner would think about it. There was a consensus that Mr. West needs to submit a Sign Permit application for the change.

PLANNING & POLICY ISSUES:

Zoning Amendment – Lot Size Averaging: Mr. Lutz reported that Steven Smith and his wife attended the last meeting of the UVLSRPC. Mr. John Tuthill from Acworth will be happy to attend a PB meeting to share their experience with Lot Size Averaging. He will be asked to attend the second meeting in July. Mr. Edkins will get a copy of their ordinance before that meeting.

ADMINISTRATION & CORRESPONDENCE:

R & K Towing: Mr. Edkins noted that at the first meeting in May the PB discussed correspondence received from Christopher and Rebecca Clark regarding R & K Towing. At the time the PB made a decision to initiate the process to revoke the Scott's permit. The PB received copies of a response in their packets from R & K Towing but they did not request a Public Hearing nor did anyone else make that request. The PB can decide to hold a Public Hearing on it's own before making a decision on the revocation. Mr. and Mrs. Clark and Paul Weaver were present and wanted to discuss some conditions of the permit but Mr. Frizzell noted that the Scott's did not realize it would be discussed at this meeting. All parties should be present for additional discussion.

Mr. Ring moved to table this discussion for tonight and to schedule a Public Hearing in the best interest of the two parties involved. Mrs. Francis seconded the motion. With seven members in favor, the motion was approved.

Mr. Edkins stated that the Public Hearing will be scheduled for the meeting on Tuesday, July 7th.

Camper: Copies of a letter Mr. Edkins wrote to property owners on the Acworth Road regarding a camper that appears to be used for long term occupancy and advising them of the new Town regulations was enclosed in the packets. It was not a formal notice of action but rather a letter of inquiry.

Liberty Elm Tree: Mr. Lutz advised that last Friday they had the dedication of the Liberty Elm Tree. He displayed a picture of it that they would like to place on the wall in the Community Room.

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

ADJOURNMENT:

There being no other business, Mrs. Francis moved for adjournment. Mr. Ring seconded the motion, with all in favor, the meeting adjourned at 8:28 PM.

Respectfully submitted,
Regina Borden, Recording Secretary

Minutes Filed: 6-19-09

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