

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

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

Alternates Present: Linda Stewart

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

CALL TO ORDER & SEATING OF ALTERNATES: Robert Frizzell, Chair, called the meeting to order at 7:00 PM. The absences of regular member Eric Lutz and alternate member Herb Greenwood were noted. Mr. Frizzell called upon alternate member Linda Stewart to sit on the Board for regular member Eric Lutz.

APPROVAL OF MINUTES OF NOVEMBER 3, 2009:

Mrs. Francis moved to approve the Minutes of the November 3, 2009 meeting as printed. Mrs. Royce seconded the motion. With four members in favor, the minutes were approved. Mr. Ring, Mr. Moore and Mrs. Stewart abstained as they were not present at this meeting.

CEDA –Sign Permit- Fling Road/George Moulton Way – Map 116, Lot 37 – Zone E (Mixed Use): Mr. Edkins displayed a sketch of the proposed sign. It is intended to look like a millstone with a 7-1/2-foot diameter which is under 50-square feet. It will be placed on a small grass mound with wildflowers, maybe 2-feet tall, with a stone wall along the Route 12 right-of-way just north of the existing sign, which would be removed. Several photos were display showing the proposed location on the property and another photo displayed showing what the dry stone wall would look like. If actual stone cannot be found the sign will be concrete textured to look like stone. There will be no illumination at this time. Mrs. Francis asked if the lettering will be visible from some distance. Mr. Edkins responded that they have not yet made the sign. Mrs. Francis questioned the flower beds; if they are not maintained all the time they get weedy and tacky; small shrubs might be better. Mr. Edkins said they always do a good job with maintenance of the grass and CEDA wants this property to look good. Mrs. Royce would feel better not forcing this on the applicant; she does not feel this is the PB’s jurisdiction.

Mrs. Francis moved that the Planning Board approve the concept of the Gristmill Park sign but to convey to them a concern that a flower bed may be hard to maintain and that shrubs or grass may be more attractive. Mrs. Royce seconded the motion as it does not force them into the shrubs or grass. With seven members in favor, the motion was approved.

LIFE FELLOWSHIP FOURSQUARE CHURCH, cont'd. – 75' x 100' Addition to Existing Church Building – 85 Wheeler Rand Road – Map 213, Lot 11 – Zone E (Mixed Use): Mr. Frizzell stated that no one was present to represent the Life Fellowship Foursquare Church. Mr. Edkins did not receive any new additional information. He did send them a letter advising what the PB was looking for.

Mrs. Stewart moved to table this agenda item until the next meeting on December 1. Mrs. Royce seconded the motion. With seven members in favor, the motion was approved.

ROBERT & ELIZABETH MORWAY, Jr. (continued from April 7, 2009) – Five (5) Lot Subdivision – Unity Stage Road – Map 209, Lot 20 – Zone D (Watershed): Mr. Edkins advised that the PB approved this five lot subdivision in April 2009 with the condition that Mr. and Mrs. Morway, Jr. and Victoria Sargent reach an agreement on addressing the issue of Sargent's deeded spring rights located on lot #4. Mrs. Morway approached Mr. Edkins a few weeks to advise that they had not been able to reach that agreement and therefore they wanted to bring this matter back before the PB. Surveyor, Tom Dombroski was present representing Mr. and Mrs. Morway. He distributed copies of the plan and advised that there have not been any changes to the lot layout. Mr. Edkins noted the issue is the concern about a septic system on lot #4 having the potential to contaminate the Sargent's spring which is their primary water source. Mr. Frizzell stated that the PB accepted the entire subdivision with the exception of lot #4; their job now is to accept lot #4. Mrs. Morway stated that she made an offer to Mrs. Sargent in July but did not receive a response so she asked for it to be brought up again before the PB. Mrs. Sargent noted that she was not aware of this action until she received the notice. At this time Mr. Frizzell put the discussion on-hold pending the arrival of Mrs. Sargent's Attorney, Rebecca Todd.

PLANNING & POLICY ISSUES:

Zoning Amendment – Lot Size Averaging: Mrs. Francis met with the Conservation Commission last night to review this proposed Zoning Amendment. Several things were expressed. The CC members asked if the five acre minimum lot size would still pertain in the Watershed Zone. Mr. Edkins explained the whole concept is that five acres could be reduced to smaller lots by the overall density but the lots would have to average five acres except they could receive the density bonus so that could make them smaller. Mr. Frizzell noted that the Watershed Zone is different than Zone E. The goal is to preserve open and forest land. Mrs. Morway's property is in the Watershed zone. Various scenarios were explored. Mr. Edkins explained that it gives the land owner the option of doing things in different ways; more flexibility. Tom Adams spoke on several issues including that this will make it hard on people until they come to the PBs way of thinking. Who will pay the taxes on the part of the land they are not using. Mr. Edkins said it will depend on how the required open space is held. It could be handled as though it were in Current Use. Mr. Frizzell said probably the Homeowners Association would be responsible. Mr. Adams feels it would make people's taxes go higher yet they are having problems paying them now; it is more dictation. Mr. Edkins noted that they could take the Watershed Zone out of this document and just make it applicable to Zone E. There was discussion about if it has to be contiguous lots; a road might separate a parcel. Mrs. Francis said the CC also felt that they should add that among the purposes the Board should be

looking for is connectivity between the protected parcels and preserving wildlife corridors. They thought it was a terrible idea to have shared driveways. Mr. Edkins said many towns require shared driveways in some cases because they minimize curb cuts on to public streets. At this time Mr. Frizzell recommended that they continue this discussion as Attorney Rebecca Todd had arrived at the meeting.

MORWAY Application – Continued from Above: Mr. Frizzell did not feel it was the PBs' position to hear about the private negotiations but rather make a decision on what conditions the Board might place on Lot #4. Attorney Todd thought they were making good progress and headed in the right direction but it has been slow. They were talking about the purchase of Mrs. Sargent's water rights. She had no objections to sharing the process but would like to have the opportunity to come back with evidence as to why this subdivision does not make sense. Mrs. Morway said she made a final offer in July, emailed Attorney Todd on August 19th to inquire as to whether a decision was made, on September 8th she emailed again because her husband wanted closure; when there was no response she contacted Mr. Edkins in mid-October. Attorney Todd noted that there were three draft agreements; there were several months when it sat on the Morway doorstep, when she got the email she did respond. Mr. Frizzell would like to see this worked out without conditions on this lot. He asked if the PB would like to form a small sub-committee. Mrs. Francis would like to be sure the well is safe and secure. Mrs. Morway stated that she realizes how important the water rights are to Mrs. Sargent therefore she asked Mr. Dombroski to come up with some alternatives.

Mr. Frizzell went around the room for the PB members thoughts.

Mrs. Royce would like to hear what Tom Dombroski is proposing. This is something Mrs. Morway asked him to come up with so we owe the applicant the right to have it heard.

Mrs. Stewart agrees. Tom Dombroski was asked to provide more information. If it is not resolvable we need to see what the alternative is for lot #4.

Mr. Jellie would like to table this until the next meeting to see if they can reach an agreement but if it is not by the next meeting then the PB would have to proceed.

Mrs. Francis agrees.

Mr. Moore feels that the State has all of these rules that the PB could fall back on.

Mr. Frizzell felt it would be a good idea to hear what Mr. Dombroski's suggestions are. It does not mean the PB will finalize it tonight.

Mr. Dombroski designed a four-bedroom septic system for lot #4; it should pass the State's requirements even though it has not yet been submitted to the DES. They did two new test pits; the soil test data is on the plan. They dug deep; before they went only 5-to-6 feet but now it was 19-feet on test pit "A". It is pretty much loamy gravel down to 7-feet but then they came into a sandy loam that will not perk like the gravel but it does allow water through it. At 12-to-19-feet they were in silt loam. They found almost the same results in test pit "B" except the silt loam is down about a foot deeper. The river was flowing at about 2-1/2-to-3% and that is what the loam is doing dropping about 3%. It is not going toward the well. The septic system will be 40-feet from the property line and 269-feet horizontal from the spring. None of the septic area is in the Shoreland Protection area. Surface drainage runs parallel with the river. A septic system and leach field can be placed on this lot without touching the Shoreland area. They discussed drawing a 150 foot radius around the spring with no buildings. A note could be put on the plan

and it could be written in the Deed and recorded. Mr. Frizzell noted the Building Inspector checks when new homes are being built. Mr. Adams commented that oil has been dumped on his grass but after many years there still isn't anything wrong with his well; it has been tested. The gravel in that area is clean. Roger Thibodeau stated that is illegal. Mrs. Stewart questioned how many acres the septic plan covers. Mr. Dombroski said about 1/8 acre. Attorney Todd asked how much of the lot would be impervious surface; did they do drainage calculations. Mr. Dombroski did it by elevations the water would flow where the arrows are on the plan.

Angelica Dierks questioned how one knows there will be water when they drill; maybe they will have to drill close to the spring well. Mr. Dombroski said a well could go anywhere except within 75-feet of the septic area. Usually when they start to drill they just keep going down until hitting water.

There was discussion about having a PB member sit on a sub-committee with Mrs. Sargent and Mrs. Morway but the members were not sure arbitration falls within their jurisdiction.

Mrs. Francis moved to table this application until the next meeting in the hopes that the applicant and Mrs. Sargent will resolve the differences they have. Mr. Moore seconded the motion.

Mr. Ring asked what the process will be if they do not come to a conclusion. Mr. Frizzell said all parties have been forewarned that the PB will move ahead with a decision.

Vote: With seven members in favor, the motion was approved.

ZONING AMEMDMENT – Lot Size Averaging (Continued from above):

There was a consensus to exclude the density bonus in the Watershed Zone to retain the five acre average lot size. The Conservation Commission (CC) would like connectivity for wildlife habitat areas. They also like the term “cluster housing” but it was noted that this term is no longer used very much. There is no mention in this document about “shared driveways”.

ADMINISTRATION & CORRESPONDENCE: None.

ADJOURNMENT:

There being no other business, Mr. Ring moved for adjournment. Mrs. Royce seconded the motion, with all in favor, meeting adjourned at 8:42 pm.

Respectfully submitted,
Regina Borden, Recording Secretary

Minutes Filed: 11-20-09

(Note: These are unapproved minutes. Corrections, if necessary, may be found in the minutes of the December 1, 2009, Planning Board meeting.)