

**MINUTES
CHARLESTOWN PLANNING BOARD
NOVEMBER 16, 2010**

Members Present: Steve Neill (Ex-Officio); Eric Lutz, Andy Jellie, Pat Royce, Roger Thibodeau

Alternates Present: James Jenkins

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

CALL TO ORDER & SEATING OF ALTERNATES: In the absence of Robert Frizzell (Chair) and Sharon Francis (Vice-Chair) Mr. Edkins called the meeting to order at 7:00 PM. He advised that the PB members would have to appoint a Chair for this meeting.

Mrs. Royce moved to appoint Roger Thibodeau as the Acting Chair for this meeting. Seconded by Mr. Neill. With four members in favor, the motion was approved. Mr. Thibodeau abstained from the vote.

Mr. Thibodeau noted the absence of alternate members Herb Greenwood and Corinne Soddors. He called upon Alternate member James Jenkins to sit in for Sharon Francis.

APPROVAL OF MINUTES OF NOVEMBER 2, 2010:

Mr. Neill moved to approve the Minutes of the November 2, 2010 meeting as printed. Seconded by Mrs. Royce. With five members in favor, the Minutes were approved. Mr. Lutz abstained as he was not present at this meeting.

CHERYL & ROBERT BAILEY – Home Day Care in Existing Residence – 44 Cardinal Lane – Map 205, Lot 55 – Zone E (Mixed Use): Mrs. Bailey explained that she would like to do day care in her home. She has approval from the State to have up to 12 children but is planning on a maximum of 7 or 8 children. She can take care of infants and up through school age. The children would be playing in the back of her home so they will not be near the road. The only time children would be in front of her home would be with parents. Cardinal Lane is a dead end road. Mrs. Royce asked if they would fence in the play area. Mrs. Bailey said the Health Inspector did not feel she had to because it is an open area all around. Mr. Bailey noted that there is a fence but it is on the abutter's land. They have a long driveway; there is more than enough room to accommodate vehicles dropping off and picking up the children. If there are any school age children the school bus stops at the top of their hill; she would plan on meeting them. There will be no employees as their oldest daughter will assist, when needed. Mr. Von Ahnen, Deputy Building Inspector, was there and is expected back tomorrow. Both the Health Inspector and Building Inspector have to sign off on the approval form as well as the Planning & Zoning office to be sure they comply with all the regulations. Their septic system will handle this use. This is a permitted use in Zone E. Mr. Edkins advised that all abutters were notified. There have

been no questions or comments. Mrs. Bailey talked to her neighbors; some of them said “Good Luck”.

Mr. Lutz moved to accept this application for Cheryl and Robert Bailey as complete and to grant final approval. Seconded by Mr. Jellie. With six members in favor, the motion was approved.

STUDENT CONSERVATION ASSOCIATION – Preliminary Consultation re: Construction of a Yurt for Short Term Residential Use – River Road – Map 207, Lot 2 – Zone E (Mixed Use): Mr. Edkins explained that when SCA brought in a master plan for their facility some time ago they talked about establishing some sort of a temporary residential facility for students / interns who would be there on a short term basis. At that time they were not sure if it would be tents or cabins but are now looking at a yurt. A yurt is a round structure with a rigid frame but has fabric walls. They originated in Mongolia. Mr. Edkins’ biggest concern was if it would meet building code requirements for residency but the Building Inspector has no problems with it. He feels it is comparable to a rustic cabin or a temporary tent type structure. It will not be occupied on a regular basis; there will be no water, sewer or heat. Mr. Thibodeau tabled this agenda item due to the fact that Richard Seaman from SEA could not attend this meeting.

NOTICE OF VOLUNTARY MERGER – Raymond E. Simard: Mr. Edkins distributed a Notice of Voluntary Merger for Raymond E. Simard for Tax Map No. 105, Lots No. 22 and 23. Back in 1981 the Planning Board approved this subdivision but the two lots, as shown on the plan, no longer conform to the Town’s regulations; if they were merged back together the one lot would conform. Mr. Simard now feels that the two lots do not work as two separate lots and he would rather not pay taxes on two separate lots. Voluntary mergers do not require a formal hearing but do require Planning Board approval. He is not planning on using it for a commercial business.

Mr. Jellie moved to approve this Voluntary Merger of two lots for Raymond E. Simard as presented. Seconded by Mrs. Royce. With six members in favor, the motion was approved.

PLANNING & POLICY ISSUES:

Former Pellerin’s Store: Mr. Edkins advised that a local business owner is ready to re-open the former Pellerin’s Store on the Old Claremont Road as a convenience store and deli. This would be essentially the same business as Pellerin’s Store. There is a provision in the Zoning Ordinance regarding the fact that if a non-conforming use is discontinued for more than a year it must be brought into conformance with the Ordinance. This property is in Zone A-1, a Residential Zone, so technically the store does not comply with those regulations as it was a pre-existing grandfathered use. The store closed in July of 2009. In case law and statutory law, in order for a use to be considered discontinued, there has to be an act by the owner to indicate intent to abandon the use. All the store fixtures remain in the store; it has not been put to another use therefore it was Mr. Edkins determination that there was no change of use and the use technically has not been discontinued. The new owner is not going to make any substantial changes. Mr. Jenkins expressed some concerns about the time frame. Following a discussion there was a general consensus of the Planning Board members that there was no change of use, it is just a

change of ownership therefore they agreed to allow the new owner to proceed. The former store looks like it is still active. He will need a new Sign Permit.

ADMINISTRATION & CORRESPONDENCE:

NHDOT Drive Permit Application Notification: A letter was received from Kevin J. Belanger, PE Access and Utilities Supervisor, to inform the Town of a policy change regarding the notification to towns when a driveway permit application is submitted to their office. District 4 has reviewed the current and past practices and determined notification of a driveway application review will be sent the towns for all newly proposed drives, proposed change in use of a drive and relocation of a drive. Notification to the Towns, regarding driveway application review for repaving, renewal or other minor driveway modifications will not be sent. This is for driveways on State highways only.

Annual Fall Planning and Zoning Conference: Mr. Jellie attended this conference and felt it was fantastic. It was a very good day; he learned a lot and was very impressed. He concentrated on the Zoning Board of Adjustment meetings. The instructors were very good. It was well organized. One thing they discouraged was site visits before a meeting by individual members. They should disclose any advance discussions with applicants and/or neighbors.

Salt Shed Holdings: Mr. Lutz asked for an up-date on the Sign Permit for the Salt Shed Holdings property. Following the last meeting that Mr. Connelly attended, Mr. Edkins advised him that he was entitled to a total of 50 square feet for signs and not two separate signs of 50 square feet each. Mr. Connelly then indicated that he would apply for a Variance from the Zoning Board of Adjustment to allow him two 50-square foot panels. He has not submitted the application. Since then Mr. Edkins became aware of a third sign in that metal frame therefore he will contact Mr. Connelly.

Mr. Thibodeau feels they need to address the Sign Ordinance. Mr. Edkins noted that some towns do allow directional signs off the premises. They should look at what is reasonable in different zones. Some language changes need to be made. Any changes would have to go to Town Meeting. It is too late for March 2011 but the PB will work on them for the following year. .

ADJOURNMENT:

There being no other business, Mr. Lutz moved for adjournment. Mrs. Royce seconded the motion. All in favor, the meeting adjourned at 7:52 PM.

Respectfully submitted
Regina Borden, Recording Secretary

Minutes Filed: 11-19-10

(**Note:** These are unapproved minutes. Correction, if necessary, may be found in the minutes of the December 7, 2010, Planning Board meeting.)