

**MINUTES  
CHARLESTOWN PLANNING BOARD  
DECEMBER 7, 2010**

Members Present: Robert Frizzell (Chair); Sharon Francis (Vice-Chair), Steve Neill (Ex-Officio); Eric Lutz, Andy Jellie, Pat Royce, Roger Thibodeau

Alternates Present: None were present.

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

**CALL TO ORDER & SEATING OF ALTERNATES:** Mr. Frizzell called the meeting to order at 7:00 PM. He noted that the full board was present.

**APPROVAL OF MINUTES OF NOVEMBER 16, 2010:**

**Mr. Lutz moved to approve the Minutes of the November 16, 2010 meeting as printed. The motion was seconded by Mr. Thibodeau. With five members in favor, the Minutes were approved. Mrs. Francis and Mr. Frizzell abstained as they were not present at this meeting.**

**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):** Lew Shelley is the Training Manager for SCA. Back in 2005 the Master Plan for the facility was approved. They found that with the economy they couldn't follow-up on all their plans but they need lodging space for the training they provide. They have completed the Green (program) Building but without the lodging they are limited. They are now looking to modify their plan by constructing two yurts which are a wooden frame structure covered by a durable protective canvas material that has a 15 year roof. It meets all building codes. Over a period of 2-to-3 years they would like to construct two yurts with one going up this year. It would be along the woods edge to the left of the farm road. He talked to Jon LeClair, Building Inspector, and he is fine with it. It will have electricity for a few outlets, a ceiling fan and there will be a heat source (maybe a pellet stove). They could put in 8-to-10 people at a time that would stay 2 to 10 days for training. It will be insulated, have vinyl windows and two doors that can be locked. Hopefully, they will begin this in the fall with construction in the spring. Mr. Shelley has the holes ready to go. When they do their larger training sessions in the spring they stay in tents.

Mrs. Francis asked if there will be bathrooms. Mr. Shelley said “no” they will be using the existing facilities. They are considering adding outdoor showers but for now they will use the existing facilities. These will be on a deck. This is a cost effective way for them to get lodging now. Down the road they might be able to do a large bunk house; if so the yurts would be moved to the lower field. The yurts will be seen from the road but the colors will blend in with the surroundings.

The other item they would like to consider is a three-sided Adirondack shelter that would be placed close to the back “L” on the program building to store back-packs, gear, etc. Mr. Frizzell said this is a preliminary consultation; SCA will have to submit an application for Site Plan Review. Mr. Edkins did not see any problems but they will need to go through the process. Mr. Shelley will follow-up with the paperwork.

**ROBERT N. BEAUDRY & PAUL D. BEAUDRY – Two (2) Lot Subdivision Claremont Road (NH Route 12) & Industrial Drive – Map 105, Lot 55 – Zones E (Mixed Use) & F-1 (Industrial/Business):** Mr. Neill stepped off the Board for this Agenda item. Travis Royce from Landmark Land Services and Permitting, LLC represented the applicants. This is the property south of Industrial Drive. It has frontage on Route 12, Industrial Drive, CEDA Road and Lover’s Lane Road. The applicants are proposing two lots; Lot #1 (south) will be 5.7 acres and Lot #2 (north) will be 2.5 acres. There is a gully on Route 12 south of Industrial Drive so that property goes to the south slope of that gully; the stream is shown. It is in two zones; the majority is in F-1 but a portion is in Zone E. Mr. Edkins noted that the zoning regulations state that the owners can move the line 100-feet in either direction.

Mrs. Francis noted that it looks like a majority of Lot #2 is not suitable for building. Mr. Royce said the current agreement is that John Olson will purchase this lot. He isn’t sure of any future development. Mr. Edkins speculated that it might just be used as a buffer area to enhance the Whelen Campus. Only about one-half acre is build-able. Mr. Royce said at times that lot is used for parking or snow storage. A 50 x 100-foot building would easily fit in the build-able area. It does have municipal water and sewer.

Mr. Larry Crainich advised that there is a brook running through that property and asked if that would be considered wetlands. His other question was: what is the intent of the subdivision. Mr. Royce said there are no current plans for development. Mrs. Francis asked what the elevation difference is between the stream and the top of the slope. Mr. Royce explained that it varies – at the top of CEDA Road it is 8-or-10 feet; on Route 12 it is probably 30-or-40 feet and the rest of the property is virtually flat. Lot #2 - the west side is within a foot-or-two of being flat; it then starts to go up but is still considered flat.

Mr. Albert Nadeau is concerned with Lot #1. It is a flat area. Mr. Edkins explained that there are no development plans for it right now. The zoning would allow for a one or two unit dwelling with just a Building Permit. Any other development for more than one home or multi family use would require it to come back to this Planning Board. He read the section from the regulations on the permitted uses. No commercial, retail or residential uses would be allowed in the F-1 zone. The lots do conform to the dimensional regulations. Mr. Lutz asked if it is tree covered. Mr. Royce said Lot #1 is pretty tree covered; he has the tree line noted on Lot #2.

**Mr. Thibodeau moved to accept this application as complete. Seconded by Mrs. Francis. With six members in favor, the motion was approved. Mr. Neill had stepped off the Board therefore did not vote.**

Mr. Neill resumed his seat on the Planning Board.

**PLANNING & POLICY ISSUES:**

**LARRY CROCKER:** Mr. Edkins advised that Mr. Crocker had five questions about performance standards. He is concerned with the Lot Size Averaging. Mr. Edkins distributed a sheet with answers to the questions asked.

**No. 1:** How do Performance Standards of our Site Plan Review Regulations address post-development stormwater management: Are there any specifics?

*Mr. Edkins said* depending on what kind of development it would probably be the Site Plan Review regulations or the Subdivision regulations. The Site Plan regulations deal with non-residential development or multi-family residential development. Mr. Frizzell explained that the Planning Board felt the Lot Size Averaging was needed as another tool. Mr. Edkins said if single-family residential development is the concern then the subdivision regulations should be looked at. He referenced:

Section 5.7.2 – Erosion Control and Sedimentation;

Section 5.7.7 L. – Drainage, Snow Removal, Curbing & Flood Proofing;

Section 5.7.7 M – Groundwater Protection

**No. 2:** How do Performance Standards of our Site Plan Review Regulations address protection of wildlife habitat?

*Mr. Edkins responded* that there are no Performance Standards specifically addressing the protection of wildlife habitat. Section 5.6.1 GG requires the applicant to show “the location and general extent of human and natural resources that are protected by all applicable Federal, State and local regulations, ordinances (especially Section 8.4.8 of the Charlestown Zoning Ordinance), executive orders and policies. These may include, but are not limited to, rare, threatened and endangered species; historic resources; wetlands, floodplains, exemplary natural communities, protected river corridors, banks, buffers, water courses, prime farmland, community water supplies and drinking water protection areas.” Presumably the Board has the authority to protect such resources in its consideration of the application and the imposition of conditions for approval.

Mr. Jim McClammer proposed that a person comes in with a subdivision application using lot size averaging. Mr. Edkins responded that it would be treated under the Subdivision regulations using the provisions with the Lot Size Averaging. Mr. McClammer noted that this would then involve an issue with stormwater management. Mr. Edkins pointed out that there is a provision under 4.7.2.6 that addresses drainage. The Town’s subdivision regulations are posted on the Town web site. Mr. McClammer feels if the PB does not know what an applicant is going to put on their lot they do not have a clue about drainage. Mr. Edkins said in most cases they would because it would be presumed that it would be for residential use but under the Lot Size Averaging they would want to know what the use would be. Mrs. Francis referenced Subdivision regulations 4.5.3; she feels that what the PB has now certainly addresses impervious surfaces. The Town does have the authority to hire their own consultant. Mr. McClammer said the three key issues are: hydrology, storm water and physical impact. Mr. Edkins noted that Charlestown has not seen much major development other than the

St. Pierre development in North Charlestown. At that time they did contact the school department to see what the impact would be. In light of declining enrollment it was determined that it would not have any impact. They do have authority to look at off-site impacts on the roads and to require off-site improvements to the roads by the developer. There is a provision for Impact Fees but that would have to be quantified. They are not enforceable at this time because State law requires that the Town has to have a Capital Improvements Plan so the Town is now actively working on developing one. The Town also has a Master Plan.

Mr. Crocker feels that the way the Lot Size Averaging is set-up now there are a lot of controls that are not being utilized. We need the correct wording to stop certain things; there needs to be protection for cluster housing, etc. There cannot be two separate standards. Mrs. Francis noted that the Lot Size Averaging is optional if the developer and Planning Board agree. The PB wanted flexibility. Mr. Edkins explained that it was the intention of the PB to keep this simple and to use common sense to try to have quality development. Some nearby towns have this policy but have not had any experience with them. Mr. Crocker agreed that it could be kept simple but the PB has to tighten up the review. He read from RSA Chapter 674:21 – Grants the Use of Cluster Housing. Mr. Neill said that there isn't any window that will let something slide just because it is on a third of an acre versus five acres; it has to fit. DES approves septic systems. Mrs. Francis pointed out Section 4.6.3 Premature Subdivision; when one reads the ordinance it isn't always crystal clear but over-all the power to guide or deny is there. Mr. Edkins felt that a better way to handle this would be to beef up the subdivision regulations which the PB can do without having to put 20 pages in front of the voters; they can look at this. Design requirements and performance type standards could be incorporated into the subdivision regulations under the authority that is granted in the lot size averaging. Mr. McClammer felt that this would satisfy his concerns of the unintended consequences of the lot size averaging. There is a need to quantify the details.

Mr. Edkins concluded by advising that if Mr. McClammer or Mr. Crocker has specific recommendations that should be incorporated into the Lot Size Averaging and/or Subdivision Regulations the PB would be happy to look at them. If the suggestions will tighten things up then they will work on them. Mr. Crocker was relieved to learn that the PB still has discretion; he was concerned that "one size fits all."

**No. 3:** How do Performance Standards of our Site Plan Review Regulations address protection of groundwater?

*Mr. Edkins referred to:*

Section 5.7.7 M – Groundwater Protection;

See also the Drinking Water Protection District Ordinance.

**No. 4:** How do Performance Standards of our Site Plan Review Regulations address protection of taxation versus median cost?

*Mr. Edkins responded* that he did not understand the question. Generally the Board does not consider taxation and cost issues. There are provisions for Off-site Improvements and Impact Fees (Section 5.7.8) but Impact Fees are currently unenforceable because the

## Charlestown Planning Board Meeting – December 7, 2010 – Page 5

Town has not yet adopted a Capital Improvements Plan. The development of a CIP is currently underway.

**No. 5:** How do Performance Standards of our Site Plan Review Regulations address enforcement of any violations?

*Mr. Edkins referred to:*

Section 5.9 – Construction Completion and Bonding;

Section 5.10 – Fines, Penalties and Injunctive Relief;

See Also RSA Chapter 676 – Administrative & Enforcement Procedures.

### **ADMINISTRATION & CORRESPONDENCE:**

**Correspondence:** Mr. Edkins reported that there was no new correspondence.

**Borough Road:** Mr. Edkins spoke with Mrs. Francis' neighbor about the mobile home and the rubbish and he agreed that he would address the situation.

### **ADJOURNMENT:**

**There being no other business, Mr. Lutz moved for adjournment. Mrs. Royce seconded the motion. All in favor, the meeting adjourned at 8:38 PM.**

Respectfully submitted,  
Regina Borden, Recording Secretary

Minutes Filed: 12-16-10

(**Note:** These are unapproved minutes. Correction, if necessary, will be found in the minutes of the December 21, 2010, Planning Board meeting.)