

MINUTES
CHARLESTOWN PLANNING BOARD SITE VISIT & SPECIAL MEETING
MAY 9, 2011

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

Alternates Present: Jim Jenkins

Staff Present: David Edkins – Planning & Zoning Administrator
Edward Smith, Chief of Police

Others Present: See attached list

ROSE BURNS (OWNER) & JOHN BURNS (APPLICANT) d/b/a COLD RIVER CYCLES – Motorsports Parts & Service Business w/ Retail Showroom in Existing Building – 26 Sullivan Street – Map 118, Lot 94 – Zones B (Business) & E (Mixed Use)

Site Visit: Board members and the applicants met at the site of the proposed business at 26 Sullivan Street at 7:00 PM. It was noted that eight parking spaces had been marked out including seven on the pavement and one on the dirt area on the east side of the pavement. Parking spaces measured 9' X 18' and they were outside Sullivan Street's 33 foot right-of way. Mr. Collins suggested that the westernmost space might be designated for handicapped parking which should minimize any visibility problems exiting Ms. Aiken's driveway.

Board members also viewed the right-of-way to Ms. Aiken's property. Members discussed the location of the property line between the Aiken and Burns properties noting that the exact location of the line is unclear. Mr. Burns mentioned that they may pour a small pad near the rear corner of the building for a propane tank. Members felt that this is strong argument for determining the exact location of the line.

The site visit concluded at 7:15 PM.

Reconvened Meeting: The Board reconvened in the Community Room and Mr. Frizzell called the meeting to order at 7:27 PM. Mr. Frizzell called upon Jim Jenkins to site in place of Andy Jellie who had recused himself from this matter. It was noted that Mr. Jenkins was present for the May 3 meeting when this application was originally presented. Mr. Frizzell asked members for their impressions as a result of the site visit.

Mrs. Royce commented that the parking spaces appeared to work and that she was satisfied that the parking issue has been adequately addressed. It was again noted that the westernmost parking space would be designated for handicapped parking.

Mr. Frizzell noted that a possible pad for a propane tank near the back corner of the building had been mentioned. This raises the question of the location of the rear property line abutting Ms. Aiken's property. Mr. Burns responded that the pad was not absolutely necessary, as they could

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tie into the existing fuel tank in the building for heat. Mr. Edkins noted that, from Mr. Poisson's survey, it appears that the rear property line is approximately 10 feet from the rear corner of the building. Mr. Collins stated that it was his understanding that the line was 18 feet from the rear of the building.

Mrs. Francis noted that she had previously raised the question as to whether this was a major or minor site plan. She noted that the original application made reference to occasional motorcycle events or gatherings such as poker runs, etc. She added that the letter read by Mr. Collins at the last meeting seemed to refute that original statement. Mr. Collins clarified that his intent was that if such gatherings or events were to be sponsored by the business, they would be held at an off-site location. Mrs. Francis asked if the letter read by Mr. Collins would be considered an amendment to the application. Mr. Edkins replied that he felt it would be better characterized as supplemental information submitted in support of the application. In response to another question from Mr. Francis, Mr. Burns stated that multiple motorcycles could be parked in a single parking space. Mr. Collins added that he felt it would be unlikely that a large number of motorcycles would gather at the site at any one time. Mrs. Francis noted that there could be legal liability on the part of the Town if an accident should occur. Mr. Collins reiterated his assertion that no large scale events or gatherings will be held on the site. There was general concurrence that the site is too small for large gatherings or events.

Robert Meier noted that there had never been any parking or traffic problems when the former pet store occupied the site. Chief Smith concurred with this observation. Mr. Meier feels that this business will generate less traffic than the pet store. He also stated that this would be a largely seasonal business. Mr. Jenkins noted that even as a seasonal operation, there could be times at the beginning of the season where there could be a backlog of service work which could result in congestion.

Mrs. Smith-Hull expressed concern over the use of the removable ramp in the right-of-way. Mr. Collins replied that the applicants have a legal right to use the right-of-way and, as long as they do not obstruct it, the short term use of a ramp for access to their building should not be a problem.

Mrs. Francis asked about snow storage. Mr. Burns replied that he plows snow down the right-of-way onto Ms. Aiken's property thereby plowing her driveway at no charge. Snow is also plowed into the area to the east of the building. He added that this past winter was one of the snowiest in recent memory and snow storage was not a problem all winter. Mrs. Walker stated that snow has never been pushed across the street.

Mrs. Francis asked about the property boundaries. Mr. Edkins referred to the property deed and a survey of the adjacent Poisson property. Mrs. Francis noted that some trees were removed in the area between the building and Ms. Aiken's home and that it is unclear where the boundary between the two properties actually is. She feels that a survey is necessary to clearly define the property line.

In response to a question from Mr. Frizzell, Mr. Collins indicated that they would sell parts for snowmobiles and ATVs but would not be doing repair or service work on such vehicles.

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In response to a question from Mrs. Smith-Hull, Mr. Collins indicated that the closest similar aftermarket type shop is at least 35 miles away so there is a need for a business of this type in this area. Mr. Burns added that all service work would be same day service such as tire and oil changes, inspections, etc. Mr. Thibodeau asked where scrap parts and tires would be stored. Mr. Burns replied that they would be properly disposed of at the Transfer Station. There will be no dumpster. Mr. Thibodeau stressed that the town does not want to see piles of discarded tires or scrap parts stored outside the building. Mr. Collins assured the Board that this would not happen.

Mrs. Francis asked for evidence that the applicants had permission to place a ramp on Mr. Poisson's property. After discussion it was the consensus of the Board that, given the deeded right-of-way, the applicants do not need Mr. Poisson's permission to temporarily put down a plank ramp for access to the building.

Mr. Neill asked if the applicants had any intention of displaying merchandise for sale outside the building. Mr. Collins replied that they do not.

Mr. Thibodeau stated that he felt that the parking spaces in front of the doors should have some type of barrier to prevent vehicles from parking too close to the doors, impeding access and egress.

Mrs. Francis proposed that a boundary survey of the property should be required.

Mr. Jenkins suggested that some means to control noise should be considered. Mr. Edkins stated that although the Town does not have a noise ordinance per se, the Site Plan Review Regulations do contain performance standards that control noise. He reviewed those standards. He added that the Town does have a decibel meter and that noise levels could be checked for compliance if necessary.

Mr. Neill noted that with other automotive related businesses the Town has often required a contract for hazardous waste disposal for materials such as solvents and anti-freeze. Mr. Collins believes that they will generate little waste other than oil which can be properly disposed of at the Transfer Station. He stated that all such waste would be properly manifested and disposed of. In response to a question from Mr. Frizzell, Mr. Collins stated that there are no floor drains in the building.

Members discussed at length the wording of potential conditions for possible approval.

Roger Thibodeau moved that the application be conditionally approved subject to the following:

- 1. Parking spaces in front of the three main doors shall be provided with a clear space of not less than 3 feet for access and egress; said space shall be delineated by physical barriers.**

- 2. There shall be no exterior sales, display or storage of merchandise, scrap parts or any other items.**
- 3. Prior to Final Approval the applicants shall provide a survey of the property, prepared by a Licensed Land Surveyor, showing the property boundaries in relation to the building.**
- 4. There shall be no organized or sponsored events or gatherings on the site.**
- 5. All hazardous materials generated on the site shall be properly manifested and disposed of in accordance with state and federal law.**

Mrs. Royce seconded the motion and with all in favor the application was conditionally approved.

There being no other business to come before the Board, Mr. Neill moved for adjournment. Mrs. Francis seconded the motion and with all in favor the meeting adjourned at 8:35 PM.

Respectfully submitted,
David Edkins,
Planning & Zoning Administrator

Minutes Filed: 5-13-11

(Note: These are unapproved minutes. Correction, if necessary, will be found in the minutes of the June 7, 2011, Planning Board meeting.)