

**MINUTES  
CHARLESTOWN PLANNING BOARD  
JUNE 7, 2011**

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

Alternates Present: Jim Jenkins (late)

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 Steve Neill (Ex-Officio) and Alternate members Jim Jenkins, Eric Lutz and Herb Greenwood were not present.

**APPROVAL OF MINUTES OF MAY 3, 2011 AND MAY 9, 2011:**

**Mr. Thibodeau moved to approve the Minutes of the May 3, 2011 meeting as printed. Mrs. Royce seconded the motion. With five members in favor, the motion was approved. Mr. Jellie abstained as he had recused himself from the Burns application.**

**Mr. Thibodeau moved to approve the Minutes of the May 9, 2011 meeting as printed. Mrs. Royce seconded the motion. With five members in favor, the motion was approved. Mr. Jellie abstained as he had recused himself from the Burns application.**

**DONALD STROBEL, II – Sign Permit – Hot Dog Cart – Main Street:** Mr. Edkins advised that Mr. Strobel has a stand-up sandwich-board sign that he puts out when open for business (2-to-3 hours each day) but it is not a permanent sign. It doesn't meet the criteria for a temporary sign because it is out for more than ten times during the calendar year. He has had a Hawkers and Peddlers license every year. These fees are based on the total number of days they are functioning per year. The "hot dog" vendors also have to get a license from the Health Department.

*Mr. Jenkins came into the meeting.*

The PB discussed the fact that it is a temporary sign used only in-season but they do not want it sitting out there all of the time. It is a double sided sign.

**Mrs. Francis moved to approve the Sign Permit for Donald Strobel, II for a sandwich-board sign for his seasonal business on Main Street as a temporary sign that is to run concurrently with the valid Hawkers and Peddlers Permit. It is only to be displayed when Mr. Strobel is open for business and has to be**

**removed at night. Mr. Thibodeau seconded the motion. With six members in favor, the motion was approved.**

**LAUREL & REBECCA WEST d/b/a HILLBILLY HOT TUBS – Preliminary Consultation – Temporary Re-location of Hot Tub Business – 95 Chase Circle – Map 103, Lot 28 – Zone E (Mixed Use):** Mr. Frizzell reported that Mr. West came in to see Mr. Edkins to advise that he will not be attending this meeting. Mr. West was told that he had to leave the space he is renting at the former Heritage Restaurant. He had been talking about operating his business at his home on a temporary basis but has now made a decision to go out of business.

**OTHER BUSINESS:**

**FRED POISSON:** Mr. Poisson said he is here to register a complaint and to tell the PB that he does not feel they followed proper procedure in their handling of the Burns application for a motorcycle shop next to his property. He was told that this was handled as an Amendment to an existing business. If they handled it as a Site Plan Review he feels they botched it. They had a letter from an objecting abutter that they did not address the issues adequately. They had a tax map that was not correct; it indicated 10-feet between the Burns boundary line and the Poisson property. Mr. Poisson said that building is on his right-of-way. You cannot act on an application as complete without an accurate, complete map of that property. Following are several items that should have been addressed. Mr. Burns has no snow storage on his property. The snow is plowed and stored on the Poisson property. Mr. Frizzell noted that the PB did ask for a survey. Relative to the parking spaces out front – Mr. Poisson stated that there is a 4-to-5 foot stretch between the Burns property line and the boundary of the road that they do not own. He presented Mr. Edkins with a Deed to that property. If they give away this stretch of land the sidewalk will never be put in. Mr. Edkins noted that as far as the Town is concerned the right-of-way on Sullivan Street is 33-feet, 16-1/2 feet either side of center line and the adjoining property owners own everything beyond that. This is a two-rod roadway. Mr. Poisson displayed a photo of a vehicle parked on the Burns property; the ball and hitch is at the edge of the pavement. Mrs. Smith-Hull noted that it was almost on the roadway. Mr. Poisson said the PB should not have acted on the application as complete because it was not complete by any means. They have the parking laid out for eight spaces but that building has two apartments that should take up four parking spaces; that left four parking spaces for the business.

Mr. Poisson had sent the PB a letter to let them know that he would be in California for the first meeting but that he would be back in time for the second meeting as he expected a second meeting. Noise will be a real issue. Another concern is the ramp. Mr. Edkins explained that a lot of these concerns are addressed in the meeting Minutes. The PB spent a lot of time scrutinizing this application. At the first meeting Mr. Collins brought in a four page letter supporting this application that was attached to the minutes. The letter from Mr. Poisson was included with the PB packet that was received in advance of the meeting along with Chief Smith's letter. Chief Smith was there for the site visit and raised concern about noise. Mrs. Sharon noted that the applicant said it would be for

## **Charlestown Planning Board – June 7, 2011 – Page 2**

sales and parts only. Mr. Poisson stated that this was not a complete application; there should have been a second meeting.

Mr. Poisson intends to file an Appeal in the Superior Court tomorrow. He had been a member of the PB for seventeen years and never saw a commercial application acted on this quick.

The other abutter next door objected. Gayla expressed concern. They already cut down two trees that she planted. They have been working on that building since October.

Mr. Edkins read the following Statute in terms of an Appeal: RSA 677:15. A Petition needs to be presented to the court within 30 days after the board approves or disapproves the application. PB Appeals go directly to the Superior Court.

Mr. Edkins noted that the survey was done but has not yet been submitted. Mr. Poisson noted that they have a right-of-way for access to the rear only but it cannot be used for parking. He intends to put up a fence. He is upset with the way the PB handled it. Mr. Edkins advised that if they fail to comply they will have to come back in to a PB meeting. Mrs. Francis noted that if the survey comes in different than what they approved then the PB could re-consider.

### **PLANNING & POLICY ISSUES:**

**Subdivision Regulations:** This was passed over at this time.

**Sign Regulations:** Mr. Frizzell felt they should be thinking about changing the sign regulations. Mr. Edkins noted that any changes would have to be voted on by the Zoning Board of Adjustment as the sign provisions are in the Zoning Ordinance. This will be added to the list of things to do.

### **ADMINISTRATION & CORRESPONDENCE:**

**Planning and Zoning Conference:** Mr. Jellie will be going this Saturday.

**Next Meeting:** At this time there is nothing on the docket for the next meeting.

**Route 12:** Mrs. Smith-Hull asked Mr. Edkins to check into the car sales at the former Indian Shutters property.

**Sign:** Mrs. Francis advised that there is a sign for a feed business on Route 12 near Norm Beaudry's office. Mr. Edkins will check on that. They had a Sign Permit but it looks like they may have changed the sign.

**Scrap Metal:** Mrs. Francis noted that opposite the Morningside Service Center there are a few cars parked advertising that they are buying "white scrap metal".

**Borough Road:** Mrs. Francis mentioned that an older vehicle is still on one of the properties. Mr. Edkins talked to the owners who said they would address it.

**Old Claremont Road:** Mr. Edkins noted that they took care of two properties with vehicles and rubbish. The PB pointed out several other properties that they felt were in violation. He reminded the PB members that they can deal with things but they cannot force people to keep things neat.

**Fling Road Bridge Project:** Mrs. Smith-Hull asked for an up-date on this project. Mr. Edkins advised that it was shut down last fall because of the weather because it was temperature sensitive. The deck beams were stored at the manufacturer for the winter. In mid-May when the contractor went over to check on the beam he discovered that it was cracked. They are now re-casting the new beam. It should be finished by the 1st of July.

**ADJOURNMENT:**

**There being no other business, Mrs. Francis moved for adjournment. Mr. Thibodeau seconded the motion and, with all in favor, the meeting adjourned at 8:02 PM.**

Respectfully submitted,  
Regina Borden, Recording Secretary

Minutes Filed: 6-16-11

(**Note:** These are unapproved minutes. Correction, if necessary, will be found in the minutes of the June 21, 2011, Planning Board meeting.)