

**MINUTES
CHARLESTOWN PLANNING BOARD
MARCH 20, 2012**

Members Present: Robert Frizzell (Chair); Sharon Francis (Vice-Chair); Steve Neill (Ex-Officio); Andy Jellie, Rose Smith-Hull

Alternates Present: James Jenkins

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 7:05 PM. He noted the absence of regular members Pat Royce and Roger Thibodeau and alternate member Eric Lutz therefore he called upon James Jenkins to sit on the Board for Roger Thibodeau. Noting that meetings are tape recorded, he asked anyone wishing to speak to identify themselves for the record.

APPROVAL OF MINUTES OF THE MARCH 6, 2012 MEETING:

Mrs. Francis moved to approve the Minutes of the March 6, 2012 meeting with the following changes: On page 2 under Granite State, middle of first paragraph, change “Paris” to “Norma Parris” and change “187 Michael Avenue” to “the Jenny Stone property at 187 Michael Avenue”. Mrs. Smith-Hull seconded the motion. With four members in favor, the motion was approved. Mr. Jellie and Mr. Jenkins abstained as they were not present at this meeting.

Mr. Frizzell stepped off the Board for the following agenda item as he is an abutter. Mrs. Francis assumed the Chair.

GRANITE STATE ELECTRIC COMPANY, Cont'd – Unmanned Electrical Substation – 187 Michael Avenue – Map 107, Lots 1 & 4 – Zones A-1-Rural Residential (Lot 4) and E-Mixed Use (Lot 1): Mrs. Francis advised that at the last PB meeting this application was accepted as complete and the requested Waivers were all granted. The PB visited the site this afternoon at 5:30 PM. All PB members were present as well as some abutters and Conservation Commission (CC) members and several abutters. Mr. Edkins was asked to summarize the site visit. (See Site Visit Minutes)

Mrs. Francis pointed out that the questions raised and discussed were not necessarily resolved. They were where the access road would go in and whether it will be feasible to change where it goes in. There is a significant change in elevation between the house that burned and access to the storage barn. The issue of landscaping needs to be addressed. The PB has a process for signage.

Mr. Jenkins would prefer to see the driveway go straight up toward the barn but that would be his only concern. He questioned if there would be any PCBs in storage. Mr. Mahoney said there

Charlestown Planning Board Minutes – March 20, 2012 – Page 2

would not be any oils stored; storage will just be for spare parts. Mrs. Francis questioned if somebody comes with a truck to pick up replacement equipment in the storage barn, they would go back to Michael Avenue, come around and go up the other driveway. Mr. Mahoney responded that is what could happen as that piece of equipment could weigh 100 pounds so driver would not want to carry it.

Mrs. Rose-Hull agrees with Mr. Jenkins that the driveway should go east up the hill. She noted that there is no fencing around the cellar hole; this should be addressed immediately. Mr. Mahoney advised that it is the first piece of business they intend to work on but before they go in there to work they need to know about the approved access.

Mr. Jeff Goldberg was asked to show the topo lines on the map. Under the current configuration he indicated where the house, barn and access driveway to the house is. They would like to keep the substation where it is now between the two rights-of-way; it minimizes the visual impact to the other abutters. The driveway, at the substation gate, avoids the wetlands. The road to the north of the stone wall has to stay the same configuration. If they use the existing driveway the roadway width would 20-feet of pavement with swales on both sides and a 40-foot apron at Michael Avenue. At the stone wall they will have to have a severe “S” curve for deliveries of equipment as well as grading outside the limits of pavement. This encroaches on the tree line and the abutter. Under the proposed alignment coming off the existing driveway will impact more trees and the abutter so they do not think that is the right thing to do. Mr. Mahoney said they considered many options. They originally wanted to use that driveway to the house but there were reasons why they chose not to use it. They cannot do anything within the National Grid power line easement. Mr. Jellie thought the 4 or 5 trees they were going to take down adjacent to Michael Avenue were not special, as 2 or 3 should come down anyway.

Mr. Henning wanted to clarify that the 40-foot apron is needed initially to get the equipment in but then it will not be needed. Mr. Goldberg noted that the 40-feet includes the swales at the end of the driveway; the only paved area will be 20-feet. Mr. Mahoney indicated that if there is a problem with the transformer they need to maintain the access. Mr. Henning wanted to be sure that 18-wheelers will not be going in-and-out all the time. Mr. Mahoney said that is correct. Mr. Goldberg advised that one of the first things they will do is clear the area and pave the road to support construction; then they will try to reduce the impact to Michael Avenue. First are the site work and drainage, then they will bring in the transformer.

Mr. Henning’s concern is that Michael Avenue is not one of the best paved roads in Town and there are still issues with run-off, wash-outs, etc. Has any study been done about what the moving of equipment will do to it? Mr. Goldberg responded that their equipment is designed and spread out on the trailer so the load is adequately distributed among the wheels so as not to damage the roads.

Mrs. Francis wanted to talk about the upper driveway that goes to the storage barn. Mr. Goldberg noted that it will stay gravel.

Mr. Mahoney advised that they would prefer a pipe gate that will be locked. It can be painted any color and will have reflectors on it for visibility/safety. It is triangular in shape, flat on the

top with a supporting pole on each side. They looked at other options but prefer this for security and maintenance. There would be one on each driveway. Mrs. Smith-Hull asked if people can get under it. Mr. Mahoney said they can and they can walk around it too. It is to keep unauthorized trucks/traffic out. Mrs. Francis said at the last meeting they mentioned that this is a residential neighborhood so whatever happens on Michael Avenue is visible. They talked about a wooden gate. Mr. Mahoney displayed pictures of various wooden gates. Some gates limit visibility into the property.

Mr. Ring advised that the pipe gate is the same as the one at Patch Park. They are pretty nice and neat and Patch Park is in a residential area. There are several other pipe gates in residential areas in Town now. Mr. Henning suggested using composite lumber as it could be made to look rustic. Mr. Butterfield feels the pipe gate makes more sense. Mr. Mahoney indicated that center hinge gates can be difficult to secure and lock. Mr. Goldberg advised that the gates will be about 10-feet from the road.

Mr. Neill asked about the easement. Mr. Goldberg located it on the map. Mr. Mahoney advised that Granite State and National Grid are in the process of selling Granite State Electric. In doing that Liberty Utilities is trying to purchase their assets. Right now this will all be built by National Grid but in the easement there is language that prohibits changing the road contours or grading. What exists now is okay

Mr. Jellie asked how many vehicles will go in-and-out per day after construction. Mr. Mahoney said about two a month except in the event of an emergency. Mr. Jellie questioned stray voltage. Mr. Mahoney explained that it does happen but this will be a three phase system, stray voltage rarely happens, there should be none on this project. Mr. Edkins has a copy of a study that shows the electric magnetic field (EMF) characteristics.

Mrs. Francis asked the PB members if it would be appropriate to suggest an access other than what is being proposed. There was consensus that the access is acceptable as proposed.

Mrs. Francis asked the PB members about the gates. There was a preference for a wooden gate although Mrs. Smith-Hull felt that the metal gate at Patch Park was appropriate for residential neighborhoods.

Mr. Edkins asked them to summarize what other environmental permits they will need to make this project happen. Mr. Mahoney advised that last night they presented plans to the Conservation Commission (CC) and they have reviewed them. An approval from them will be required. They need to get a Wetlands (Dredge and Fill) Permit from DES and a General Construction Permit. They have not yet submitted anything because they are waiting for an approval on this Site Plan Review. Mr. Edkins mentioned they will need a Driveway Permit from the Town Highway Superintendent. Mr. Neill's concern is the culverts structural strength; he wants to be sure it meets the requirements to sustain the impact from heavy loads during construction.

Mr. Jellie asked about the landscaping. Mr. Mahoney said they plan to fill in the foundation hole and remove the concrete, trees will be cleared out for the roadway, grade the roadway and then

clear out the trees for the substation site. The ground will then be restored back to natural vegetation.

Mr. Jellie moved to grant final approval of this application with conditions of two wooden gates and subject to receipt of approval from the Conservation Commission, DES Wetlands Permit, General Construction Permit and Driveway Permit from the Town Highway Superintendent. Mrs. Smith-Hull seconded the motion. With all in favor, the motion was approved.

Mr. Edkins advised that the applicants have submitted a Voluntary Merger request for two lots. Mr. Mahoney explained that the merger will be between 187 Michael Avenue and the former Norma Parris, Lot #1 that is 35.16 acres.

Mr. Jellie moved to approve this Voluntary Merger as presented. Mr. Neill seconded the motion. With all in favor, the motion was approved.

Mr. Frizzell returned as Chair of the PB.

CAROD PROPERTIES (CAROL CLARK) – Sign Permit – 122 Main Street – Map 118, Lot 91 – Zone E Mixed Use: Mrs. Clark submitted an application for a Sign Permit for the Sumner House Restaurant. A sketch was attached. It shows one to five panels hanging from the existing sign; five would be the maximum. The wooden panels will specify the hours, special menu items, special events, etc. It is well within the maximum size limitations. Mrs. Francis asked if the sandwich board sign will be removed. Mrs. Clark explained that the temporary A-frame sign can be put up for seven days in a row, ten times a year.

Mrs. Francis moved to approve the Sign Permit as presented recognizing that the number of panels will vary from one-to-five for the Sumner House Restaurant. Mr. Neill seconded the motion. With five members in favor, the motion was approved.

VIRGINIA POISSON – 14' x 66' Storage Structure – Cummings Avenue – Map 118, Lot 125 – Zone E (Mixed Use): Mr. Fred Poisson was present representing Virginia Poisson. He introduced Attorney Carl Hanson and Jonathan Sisson, a wetlands scientist. Mr. Poisson advised that in 1997 the PB approved a two lot subdivision of this lot. He is proposing to put a 14' x 70' commercially built office trailer with mobile home skirting on the land. There will be no water and sewer hook-ups but there may be power. This will be used for storage of his own items. There will be no outside storage.

Mrs. Smith-Hull has looked at the Poisson property. She noted that the Butterfield property is higher than the Poisson property. She asked if any of the land had been filled. Mr. Poisson said it was not.

Mrs. Francis asked if the access to the storage structure will be at grade or will there be steps. Mr. Poisson said there will be steps and it will have a small deck on it. They will be able to carry the items to be stored in and out.

Heidi O'Neill, an abutter, said Mr. Poisson has dumped wood chips, dirt, fill and other material on the property several times. When she moved onto Cummings Avenue it was swampy; her basement filled with water and she was told that there were wetlands across the street that could not be built on. Mr. Poisson cut all the trees, bushes, etc. She feels they need trees to hold the water. Mr. Poisson explained that the only work that was done there, dirt wise, in twelve years was the recent Restoration Project that was done in one day at the direction of the Department of Environmental Services (DES). The wood chips were there for two years; they are not considered fill.

Morris Butterfield, an abutter, said if one looks at the end of the storage area that is where he lives on the north end; if one looks where the big D is that is where the fill is and where the wetland is. That is where Mr. Poisson is going to put his trailer. Mr. Butterfield has water in his cellar. He strongly opposes having the trailer there and has retained Jim McClammer as a consultant.

Mr. Edkins explained that the Restoration Plan came about as the result of some filling that was done back in 1997/1998. Mr. Poisson was ordered by DES to remove that fill and restore the area to its previous state. He hired a wetlands scientist to develop the Restoration Plan; it was submitted by Mr. Sisson, approved by the DES and the work has been done. Attorney Hanson does not think that Mr. Poisson was ordered to remove all of the fill but he was ordered to submit a Restoration Plan and that was done in October 2011. It is the plan that was submitted with the application. DES is satisfied with the work that was done. Mr. Butterfield did not see any material being removed from the property; he stayed there all day long and explained what he saw being done. Mrs. Francis said her understanding of wetlands problems that neighbors have experienced over a long period of time are not solely coming from the Poisson property; that whole area has wetlands problems and has had for a long time; it is a larger issue than the Poisson property.

Mr. Sisson advised that the Restoration Plan he submitted was pretty much identical to the Restoration Plan that was submitted to the DES in 2000. Dan McPherson did the delineation in 2000, came up with the plan and sent it to the DES. When Mr. Poisson asked him to deal with it he talked to the DES and Linda Magoon gave him that 2000 plan that was kept in their files. Mr. Sisson used that plan, added some vegetation to it and DES approved it. There is a pond. He displayed the sketch and explained the approved plan.

Jim McClammer, a wetlands scientist, noted that Linda Magoon gave him a copy of the McPherson plan. It shows a triangular area of 3,110 square feet to be restored but there is another area of 6,785 square feet on the same lot. Mr. McPherson only proposed that the 3,110 square feet be removed. They never approved this plan. Mr. Poisson raised a point of order – they are here for the Site Plan Review, not wetlands issues.

Mr. Edkins read the motion on the two lot subdivision made during the meeting of January 21, 1997 “Mr. Frizzell moved that the application be accepted for completeness, conditioned upon the installation of a 15” culvert throughout, subject to approval of the Highway Supervisor, and that there be no building in the wetland. The motion was seconded by Mr. Ferland and unanimously approved.”

Mr. Poisson pointed out that he is not placing this trailer in the wetlands. The drain pipe is the boundary line between the two lots. Mr. Sisson did not do a delineation; it was the objective of the DES, Mr. Poisson and himself to finish this administrative order. He could, however, still do a delineation. Mr. Sisson pointed out that the McPherson wetland delineation goes across into Mr. Butterfield's property, across his driveway and heads toward his barn. Mr. Sisson does not agree with this delineation. Starting in 1946 it is amazing the differences in the vegetation; in 1981 it was all grass (lot #1). In 1946 it looks like there was a drainage area that went from Mr. Butterfield's barn and continued south. In later photos that area is gone. There have been a lot of changes over the years. When you put fill on top of another layer of fill it creates a change in the texture that creates a barrier so water will not run through it very fast. Mr. Sisson provided some history from old photos he viewed and noted that there is so much going on in this area.

Mr. McClammer handed out a sheet of ten comments based on his review of the file of the Poisson property at 36 Cummings Avenue that he read and made comments on. A copy is attached for the record. Mr. McClammer also displayed 1997 subdivision plan that Tom Dombroski developed showing a wet area. He also provided a grading plan submitted to DES in April of 2000 which he asserted shows that nearly the entire area is jurisdictional wetland. He also submitted a 1976 plan prepared by Leon Geil, District Engineer which Mr. McClammer stated shows that water drains from the rear of Mr. Butterfield's lot across the subject lot. He stated that this map was prepared prior to the placement of fill which has now interrupted storm water flows, causing water problems for Mr. Butterfield.

Mrs. Francis asked Mr. Butterfield how long he lived at this location and how long have there been wetland problems on his property. Mr. Butterfield said he has lived there for over 40 years. In 1998 when they filled it they woke up to a big flood; he has a movie of it. People across the street woke up to water in their cellars; the name was Rusty Baker and it is the house where Ms. O'Neill lives now. Mr. Poisson noted that the flood he woke up to was after rain similar to what they just experienced from "Irene". Mr. Poisson mentioned that Mr. Butterfield put fill in his entire back lot and built his garage on it. Wetland lines do not stop at boundary lines. If they look at the map that Mr. McClammer just showed them they will notice that a part of Mr. Butterfield's back yard is a wetland.

Attorney Hanson pointed out that this site plan application is not for any excavation or fill but only to put a mobile storage unit on this site. It is not to change any elevations or bring in any fill. If there are wetlands issues that pertain to this lot then that needs to be addressed by DES. This Board does not have the jurisdiction or expertise to deal with these issues. The Restoration Plan of 2011 was approved and is in place. There is nothing in this Site Plan application that changes any of that.

At this point Mr. Frizzell asked if the PB should continue to discuss the wetlands issues. Mrs. Francis mentioned that the storage unit will increase run-off from the roof. Mr. Poisson noted that they installed a culvert at the direction of the Town Highway Department. At the time the town put in a new sewer line they broke and carved out the top part of the culvert to put the sewer line through and it was never repaired.

Mr. McClammer spoke to the Poisson allegation of Mr. Butterfield filling in some of his jurisdictional wetland. If they look at the 1976 Leon Geil plan they will see the limits of fill on it. The Wetlands Bureau regulations did not go into effect until 1989 so prior to that any filling in a wetland was legal. Whatever Mr. Butterfield did was legal.

Mrs. Francis advised that as she listens she does not feel comfortable taking any action on this application. They need to hear more from DES on the limitations they may put on the lot. Mr. Poisson wants to put the storage trailer on this lot because the Wetlands Restoration Plan reduced the amount of land available for a mobile home.

Bonnie Millett lives across from the Poisson lot. Since 2004 she watched this land go from wetlands with frogs, flowers and trees and now it is all dried up. Before they had to put planks down to walk across the lot but now you can walk across the land.

Mrs. Francis moved that this application be tabled until such a time as they have information from the DES about the wetlands and any orders that they may or may not prescribe with respect to this lot. Mrs. Smith-Hull seconded the motion. Mr. Neill recused himself from the vote due to a potential conflict. With five members in favor, the motion was approved.

Doug Ring expressed disappointment with the way this took place. He feels it was unprofessional. He hopes in the future the PB will look at the facts and render a decision.

FLIGHT PARKS, LLC/KHK MORNINGSIDE, LLC – Building Renovations, Zip Line Construction, Concessions & Additional Recreational Activities at Existing Hang Gliding Facility – 357 Morningside Lane – Map 208, Lot 6 – Zone E (Mixed Use): John Harris was present representing Flight Parks, LLC/KHK Morningside, LLC. They are a North Carolina company since 1974. They are excited about this flight park in New Hampshire; it is a hub for New England pilots and well known across the United States. They want to keep it going. They see it as a family adventure park. In order to support the park they need to do more than teach flying. They are proposing a zip line, an ATV tour program, fishing in small on-site ponds, kayak tours on the Connecticut River, and a laser tag course. They want to improve the barn so they can retail some items and have some pre-packaged food and drinks. They also propose to build a 50' x 41' shed for the protection of the gliders. They do not have the resources to do all of this in one year but hope to do so in two-to-three years. There is ample parking on the area. Mr. Harris displayed the location of proposed activities on their plan. The proposed zip line would go off the back side of the hill that is all wooded. It would go from tree-to-tree; the runs would be from 200-to-1,000 feet in length. Pictures were available of a zip line in Costa Rica. Guides are trained by company representatives. Users have to sign a waiver. Mr. Neill recommended that they check with the State to see if they inspect zip lines.

Mrs. Smith-Hull asked about the camp grounds. Mr. Heath Woods, of Morningside Flight Park explained that there are rustic camp sites behind but up the hill. They are not visible from Route 12. Port-a-pots are on the site; there is no running water. They plan on making improvements to the sites.

Mrs. Francis questioned ATV usage. Mr. Woods advised that they use the old logging roads on the back side of the hill for the guided tours; they are all on their own property.

Mr. Harris noted that they plan on taking down the existing old red farm building and build a shed to cover the gliders. They recently discovered that all their power comes into the existing building therefore they need to re-route it. It does not appear they will accomplish it this season. A dug well feeds their main property. There are public rest rooms with showers in the barn. The building and a trailer are tied into a septic system. Mr. Neill pointed out that they should check on the capacity of the existing septic system. Mr. Frizzell said it is the PB's obligation to be sure applicants are aware of the permits they need.

Their plans include stocking their ponds with fish and rent out poles and reels. Mr. Jenkins thought they might need a permit from the State to do the stocking of fish.

Mrs. Francis mentioned in the written material submitted they talked about doing some history on their tours. Mr. Harris said in North Carolina their guides have 3-ring binders with historical and other information on the area.

Mr. Harris advised that the laser tag course could be any where on the property but in the woods. The score is kept right on the gun.

There was discussion about having to take the land that is being used for activities out of Current Use.

Mr. Harris would appreciate approval for the zip line because it is a long term item to get it built and they want to get started on it.

Mr. Edkins asked if the PB wants to consider this as an Amendment to the original Site Plan that goes back to Jeff Nicolay and Phil Haynes.

Mrs. Francis moved to accept this application as complete subject to any permits that may be required for the zip line and a review of the water and septic systems for the number of users. Mrs. Smith-Hull seconded the motion. With all in favor, the motion was approved.

Mrs. Francis moved to treat this application as an Amendment to the original Site Plan Review. Mrs. Smith-Hull seconded the motion. With all in favor, the motion was approved.

Mr. Frizzell asked if any abutters were present.

Mrs. Martha Beagan, an abutter, does not feel that their expansion plans will have any affect on her land. She has no objections and feels it is exciting.

Mr. Joel Wadleigh, an abutter, has no problems with their plans for additional activities. He asked some of his neighbors and they do not have any objections.

CHARLES & SANDRA ANDRUS and RICHARD ANDERSON – Boundary Adjustment between Existing Lots – 338 Old Springfield Road & 7 Hammond Road – Map 113, Lots 2 & 2.1 – Zone A-1 (Rural Residential): Mr. Edkins advised that this boundary adjustment will put the Andrus driveway onto their own property. It would convey 3,749 square feet from the Anderson property to the Andrus property. It does not have any impacts with regard to zoning as both would remain conforming lots with sufficient road frontage. This subdivision was originally done about 7 or 8 years ago.

Mr. Neill moved to accept this Boundary Adjustment between Charles & Sandra Andrus and Richard Anderson as complete. Mrs. Smith-Hull seconded the motion. With all in favor, the motion was approved.

Mr. Neill moved to grant approval of this Boundary Adjustment as. Mr. Jenkins seconded the motion. With all in favor, the motion was approved.

PLANNING & POLICY ISSUES:

Revised Sign Ordinance: Mrs. Francis mentioned that now that the Town voted approval of the revised Sign Ordinance the PB should have the approved copies. After Mr. Frizzell signs the ordinance, Mr. Edkins will make copies and distribute them.

Enforcement Issues: Mr. Edkins was asked to check on the following issues:

- Mrs. Francis asked Mr. Edkins to check on the signs, flags and other advertising on the front of the Motor Sports building as they do not have PB approval;
- It was mentioned that there is a similar situation at the Jiffy Mart;
- He will check on the new car sales at the beginning of Wheeler Rand Road.

ADMINISTRATION & CORRESPONDENCE:

Gerald I. Coogan, AICP: Acknowledgement was made of the letter from Gerald I. Coogan regarding the recently announced new NH Housing Finance Authority Community Planning Grant Program. He asked that it be passed along to the PB members.

ADJOURNMENT:

There being no other business, Mrs. Smith-Hull moved to adjourn this meeting. Mr. Jenkins seconded the motion. With six members in favor, the motion was approved. The time was 10:31 PM.

Respectfully submitted,
Regina Borden, Recording Secretary

Minutes Filed: 3-23-12

(**Note:** These are unapproved Minutes. Corrections, if necessary, will be found in the Minutes of the April 3, 2012, Planning Board meeting.)