

**MINUTES
CHARLESTOWN PLANNING BOARD
APRIL 3, 2012**

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

Alternates Present: James Jenkins, Eric Lutz

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 therefore there was no need to call upon the alternates. Noting that meetings are tape recorded, he asked anyone wishing to speak to identify themselves for the record.

ELECTION OF OFFICERS FOR 2012-2013:

CHAIR:

Mr. Thibodeau nominated Robert Frizzell as the Planning Board Chair for 2012-13. Mrs. Smith-Hull seconded the nomination. Mr. Frizzell asked Mrs. Francis to assume the Chair for this vote. There were no other nominations. With six members in favor, Mr. Frizzell was elected. Mr. Frizzell abstained from the vote.

VICE CHAIR:

Mrs. Royce nominated Sharon Francis as the Planning Board Vice Chair for 2012-13. Mrs. Smith-Hull seconded the nomination. There were no other nominations. With six members in favor, Mrs. Francis was elected Vice Chair. Mrs. Francis abstained from the vote.

ALTERNATE MEMBERS:

Mr. Edkins advised that Eric Lutz's term expired this year but he indicated a willingness to stay on the Planning Board as an Alternate.

Mrs. Francis moved to appoint Eric Lutz as an Alternate for a three year term. Mr. Neill seconded the motion. With seven members in favor, the motion was approved.

APPROVAL OF MINUTES OF MARCH 20, 2012:

SITE VISIT: Mr. Jellie moved to approve the Minutes of the Site Visit on March 20, 2012. Mrs. Francis seconded the motion. With four members in favor, the motion was approved. Mr. Thibodeau, Mrs. Royce and Mr. Frizzell abstained from the vote. Mr. Thibodeau and Mrs Royce were not present at the Site Visit and Mr. Frizzell was present in his capacity as an abutter, not sitting on the Board for this matter.

REGULAR MEETING: Mr. McClammer requested that he be allowed to submit, in writing, some additions to the minutes. Mrs. Francis felt he should be able submit his notes; the PB could

amend the March 20th minutes to indicate that they would be included in the minutes of this meeting. Mr. Edkins pointed out that at the last meeting the PB voted to table the Poisson application but they did not table it to a specified date and time; as a result, there was a lot of confusion as to whether or not the application would be heard at this meeting. In order to be fair to everyone, some were told they would receive a formal notification of when this matter would be heard again. It would seem appropriate if the PB members wish, in the course of this meeting, to move to take the application off the table and schedule it to be heard again at the next meeting on April 17th with all the abutters getting written notification. Mr. McClammer has comments that he wants to make on the content of the minutes themselves but it is not appropriate to take up the application and debate the merits of the application or any of the issues that were raised regarding the application at this meeting. It should be done after formal notification to the abutters. Any comments that Mr. McClammer wants to make to the minutes should be limited to whether the minutes are in fact accurate and complete. Mrs. Francis understands that this application was tabled because they were waiting for information from the Department of Environmental Services (DES). Mr. Frizzell said they were informed that the DES was working on this. Without getting into the merits of the application, Mr. Edkins advised that both he and Mr. Sisson, who is Mr. Poisson's consultant, were in touch with Linda Magoon of the NH DES to ask for clarification as to what the status of that property is with regard to the Administrative Order that was issued and if, in their eyes, Mr. Poisson has satisfied the conditions of that order. Neither of them has heard back therefore there is no new information in that regard. The motion should be taken off the table with the understanding that it will be taken up during the meeting of April 17th. There are a couple of abutters that would have been here if they understood that it was going to be on the agenda tonight.

Mrs. Francis moved to approve the Minutes of the March 20, 2012 meeting. Mrs. Smith-Hull seconded the motion. Mrs. Francis had the following corrections and/or clarifications:

- Page 2, third paragraph, fourth line, Add "The road" before north of the stone wall has to stay the same configuration.
- Page 2, third paragraph, last sentence, after 4-or-5 trees - Add "on Michael Avenue".
- Page 3, third paragraph, last sentence, delete the word "to" between language and prohibiting. Mr. Edkins was asked to listen to the tape for clarification of the wording "changing the contours" for the upper driveway.
- Page 7, sixth paragraph, for clarification change "Mr. Woods" to "Mr. Heath Woods from Morningside Flight Park".
- Page 7, last paragraph, first sentence, clarify "existing building" to "existing old red farm building". It is adjacent to Morningside Lane.

Mrs. Royce made the following corrections:

- Page 2, fourth paragraph, correct Mr. "Greenberg" to Mr. "Goldberg".
- Page 4, Sign Permit for Carod Properties, last sentence – change "can put it up" to "can be put up".

Mr. Thibodeau noted the following spelling correction:

- Page 7, first line, change "confirming" to "conforming".

Mr. McClammer submitted, in writing, an addition that he would like included in the minutes of the March 20th meeting.

“That the minutes reflect the fact that two maps were submitted as part of the evidence provided by Jim McClammer. These two maps are:

1. A grading plan submitted to the DES on April 7, 2000 that shows nearly the entire lot is jurisdictional wetland. The proposed trailer will be located in an area designated as wetland. The subdivision approval explicitly requires that no building occur in wetland.
2. A 1976 plan prepared by Leon Geil, District Engineer, that shows water drains from the rear of Mr. Butterfield’s lot across the subject lot. This map was prepared prior to the placement of fill, admittedly by Mr. Poisson, in wetland after he subdivided the pre-existing lot in 1997. This fill has interrupted storm water flows and caused water problems for neighbors, specifically Mr. Butterfield.”

Mrs. Francis amended the motion that numbers 1 and 2 of the comments presented by Mr. McClammer be added to the minutes.

Mr. Edkins recommended that he make all of the corrections/clarifications, listen to the tape for the specific language relative to the easement, incorporate these into the minutes and bring the minutes back to the next meeting.

Mrs. Francis withdrew her amendment and motion on the minutes. Mrs. Smith-Hull agreed to withdraw her second to the motion.

Mrs. Royce moved to table the Poisson application and re-schedule it when they have obtained the information from the NH DES about the wetlands. The abutters will get notification of this meeting by certified mail at least ten days before that meeting. Mrs. Francis seconded the motion.

Mr. Jellie felt that the PB might want clarification on some of the conditions after they receive the information from the NH DES. Mr. Edkins advised that they can request clarification and then request to carry the application over to the next meeting. He will send out the information as soon as it is received. Ms. O’Neill requested that Mr. Edkins send the DES information to the abutters as well as the PB members. He agreed to do so.

Vote: With seven members in favor, the motion was approved.

WALTER G. & MAUREEN J. SPILSBURY – Voluntary Merger of Existing Lots – 42 Paris Avenue – Map 119, Lots 24 & 25 – Zones A (Town Center Residential/ Professional) & E Mixed Use: Mr. Edkins reported that this is a voluntary merger of two lots on Paris Avenue across from the former Foundation property. It is the house on one lot and the garage on the other lot. Mr. Spilsbury would like to merge these two lots together for tax purposes. At one time these two lots were a single lot. Both of these two lots were conveyed to Mr. Spilsbury in the same Deed: Volume 1689, Page 199; Lot 24 is referred to in that Deed as being Tract 3, Lot 25 is Tract 1.

Mrs. Francis moved to approve this Voluntary Merger of the two lots with the ownership of both being Walter G. & Maureen J. Spilsbury. Mr. Neill seconded the motion. With seven members in favor, the motion was approved.

FLIGHT PARKS, LLC/KHK MORNINGSIDE, LLC, cont'd – Building Renovations, Zip Line Construction, Concessions & Additional Recreational Activities at Existing Hang Gliding Facility – 357 Morningside Lane – Map 208, Lot 006 – Zone E (Mixed Use): Mr. John Harris was present representing Flight Parks, LLC/KHK Morningside, LLC. His understanding of the last meeting was that the pending issues were parking and a septic certification and a drinking water certification. He asked Mr. Dombroski to address the parking and septic. They are still working on the water as they discovered some broken pipes when they went to turn it on; it will be tested in the next few days. Mr. Dombroski displayed a plan showing 85 parking spaces plus 9 employee parking spaces but there is still more room. It also shows the location of the barn. Mr. Harris advised that they do not use this area now for parking but it is available. Mrs. Francis mentioned that under current usage on a busy week-end vehicles are parked along Morningside Lane therefore asked if there will be signs to indicate where the vehicles should park. Mr. Heath Woods from Morningside explained that in the past this area was designated for parking but Mr. Nicolay, the previous owner, did not open the gates so it was not utilized which often created parking along Morningside. Mrs. Francis asked if there will be signs erected. Mr. Woods confirmed that there would be signs. Mr. Edkins pointed out that the Town does not have any formulas specified in their regulations with reference to a required number of parking spaces given the uniqueness of this business but there are manuals that give expected parking needs that are available from the Institute of Transportation Engineers. It is doubtful that information would be included for this type business. In the past there might have been 10-to-12 cars parked alongside the road. Mrs. Francis asked the neighbors if they thought that “No Parking” signs placed on both sides of the road on Morningside Lane and directional signs indicating where the parking area is would alleviate the issue.

Harvey Hill advised that he and his wife, Christina, are abutters on the eastern side of the Flight Park and parking is definitely an issue. Morningside Lane is one of the worst roads in Town; it is full of potholes. They constantly have ultra-lights and hang gliders and vehicles in the road. The applicant needs to address how many automobiles they are expecting and how many spaces will be available. With the added activities there will be many more cars there.

Mr. Elliott Brown, Jr. advised that they did put up No Parking signs on one side of the road last year. They can do that again. Sometimes they have to wait a long time to go down the road when the ultra-lights and hang gliders are crossing the road. During special events the area is packed with vehicles. On about one-quarter mile of the road from the silo to Mr. Wadleigh's house they park on both sides of the road.

Mr. Harris was not aware of the ultra-lights and hang gliders crossing the road. They now have a new management team; they are confident they can operate the Flight Park without being rude. If there are issues the neighbors are welcome to come in to talk to them about it and they will address them.

Mr. Elliott Brown, Sr. said the road is pretty narrow as it is. He does not want to get run over by an ultra-light or a hang glider.

Mr. Harris noted that they did put up some “No Parking” signs on one side of the road last summer because they were made aware of it being an issue with some neighbors. They can do that again. On the air strip side of the road there is a small piece of property that they could use for over flow parking. There is an area around the barn that has not been used for parking in the past so they could utilize that area, too.

Mr. Jenkins said it would seem appropriate during special events to notify the Police Department and they would help out. Mr. Thibodeau mentioned that under the 42 parking space lot is the existing leech field. Mr. Dombroski asked that this be discussed a little later in the meeting but cars have parked there in the past.

Mrs. Christina Hill mentioned that if they already have enough parking and if signs were placed on both sides of Morningside Lane they should not have an issue but what happens on a rainy day. Mr. Harris responded that they would park near the barn. Mrs. Francis said it is hard to foresee what the future holds and how the business will grow. She is comfortable with the parking they identified here on the plan and will meet the needs of the customers for the next few years. They may have to come back and clear some land. Mr. Harris said they can mark the spaces to make it more efficient.

With reference to the septic system, Mr. Dombroski advised that the existing leech field is under the parking lot. It will need to be replaced. They have a good site picked out for it between the two driveways. The system was checked out but some of the pipes are crushed. It will take a while to design it and submit it to the State therefore in the meantime they are proposing to put up four to five portable toilets including a handicapped one until the system is installed. Mr. Harris noted that they took over last July and had no problem with the system all season long. Mrs. Francis asked how many toilets they have now and how many do they propose to have for the new system due to the expansion of the business. Mr. Dombroski pointed out that he has to get into the design before he can answer that; he has to do all the calculations. Right now there is a ladies' bathroom and a men's bathroom. It will be much better than what is there now. It is all doable but it will take a few months to get it done. Mr. Harris noted that his expectation for this season is averaging about 50 people a day with peaks of maybe 100 a day.

Mr. Frizzell asked Mr. Harris to provide a quick overview of what their plans are as there are people present at this meeting who were unable to attend the last meeting. Mr. Harris proceeded to explain their plans to develop a family adventure park including the zip line, fishing in their pond, ATV guided tours along their logging roads, and guided river tours.

Mr. Hill asked if the new owners are aware of the regulations that were imposed in the past on the ultra-lights and hang-gliders, hours of operations, etc. Mr. Harris said they are. Mr. Hill asked what their hours of operations will be and how many months of the year. Mr. Harris responded that most of their activities will be during the summer; they would love some winter activities if they can find something that is good for everyone to have a cash flow year round. They are looking at tubing. Mr. Dombroski has surveyed the property. Mr. Hill would like the Planning Board to consider having signs put up on the parameter of the Flight Park property indicating that there is no trespassing beyond the Flight Park land. Mr. Harris agreed to do so.

Mr. Hill questioned the camp sites. Mr. Woods advised that there are three separate existing camp sites and they plan to make them more comfortable. He located the sites on the map. There will be portable toilets at the camp sites.

Mr. Hill questioned how they will transport people to the top of the zip line. Mr. Harris said probably by a truck up to the hut. Mr. Hill asked about the ATVs. Mr. Harris advised that the ATVs would be owned by the Flight Park and would be guided tours on existing trails. Mr. Woods noted that they have not as yet delineated any trails but are looking at the higher trails; they do not want to create any maintenance issues, ecological problems, or disruption of the

water shed. Mrs. Francis feels they will need a separate plan not to impinge on the wetlands and so the abutters do not wake up to the noise. Mr. Harris responded that the hours would probably be 8:00 or 9:00 am until sunset during the summer. He is not sure of the hours in the spring and fall.

Mr. Neill questioned the water system. At what level is the State requiring them to test for? Mr. Woods noted that GPS Plumbing came in to test. They just told GPS that they have seasonal use. Mr. Neill advised that they have to come up with what kind of a system the State will require and the capacity. There are several classifications. Mr. Woods said they have not been in contact with the State. Mr. Edkins advised that with a facility like this where they are providing water to the public the State has different classifications of public water systems. They need to figure out what classification they fit into to. The State will tell them how often they have to test and for what. They should contact the Drinking Water Bureau at DES. Mr. Duquette, the Town's Water Superintendent, gave them information on a web site to look at State regulations and the criteria. Mr. Harris noted that whatever the State requires they will provide.

Mr. Frizzell felt they should address the ultra-lights being in the roadway. Mrs. Hill advised that they come down from the old farmhouse driveway and then walk down the road heading north. They "taxi" down the road about 200 yards from one point to the other. Mr. Neill asked why they cannot run on their own property. Mr. Woods explained that they have a trailer at the entrance to the park, there is a small ticket shack but it is gated so they house their planes next to the building. He explained how they move the planes. Mr. Frizzell advised that the PB will not sanction going down the road. Mr. Harris felt they could move the little building and that would allow them to taxi through that area; the edge of the parking lot does not match up to the cross-road but it is very close. They were going to build a hanger but could move the location so the planes would not have to cross the road.

Mr. Edkins pointed out that this Planning Board did a good review of the Flight Park operations a few years ago and this issue was not brought up. At that time the PB spent a lot of time on this when the concerns were the flight patterns and noise. Mr. Brown said it was brought up and he attended those meetings.

Relative to the zip line, Mr. Harris advised that there will be no power as it will be run by gravity. If they needed anything for light it would be with portable lights.

Mrs. Francis moved that the PB approve one element of this proposed Site Plan and that is the construction of the Zip Line as shown on the map at the last meeting so they can get started on it this season and this would be a recreation activity for day time use. The other elements of water supply, septic system and new hangar, plus suitable crossing of Morningside Lane would be considered at a later time. Mrs. Smith-Hull seconded the motion.

Mr. Thibodeau questioned how they can do this because when the zip line is completed there will be customers. Mr. Harris said they have a septic system that works but they do not know the capacity. Mr. Edkins felt the parking is pretty well taken care of. The Flight Park operations are already approved. The issue of crossing Morningside Lane might be a traffic control issue to be handled by the Police Department.

Mr. Dombroski added that somebody will handle the water otherwise they will not approve the septic system. They will have an engineer take care of that. Mr. Thibodeau felt they could install the zip line but until the PB sees an approved plan for water and septic they cannot operate it.

Mrs. Francis amended the motion to include that there will be “No Parking” signs on both sides of Morningside Lane from Wadleigh’s to the old Haynes house when the Flight Park is operating. Mrs. Smith-Hull seconded the amendment.

Mr. Jellie felt the Board should wait until everything is in order. Mr. Harris pointed out that it will take at least 2-1/2 months to construct the zip line. Mr. Neill felt there are too many open ends and he is discouraged to hear about the planes going up and down the road. If the Town was aware of it they would have had somebody talking to the owners about it.

Mr. Harris felt they could build the hangar on the side of the road that would eliminate the road crossing issue. Mr. Frizzell stated that they have to go out and think about things; they need some time to change their plans. Mr. Neill said they need a Building Permit to make sure they meet the set-backs.

Mrs. Francis withdrew her original motion and amendment. Mrs. Smith-Hull agreed.

Mrs. Francis moved to approve the construction only of the zip line but not the operation and it cannot be put into use until the water is up and running to meet State requirements and the septic system designed and approved by the State. There will be “No Parking” signs on both sides of Morningside Lane from Wadleigh’s to the old Haynes house when in operation. Mrs. Smith-Hull seconded the motion. With seven members in favor, the motion was approved.

Mrs. Francis mentioned that the next step is to get the design for the septic system and submit it to the DES. Mr. Frizzell advised that when they are ready to open if they report that they have their plan ready but cannot put the sewer system in now but they have their water all set they can request that they use portable toilets on a temporary basis. Mr. Dombroski feels it might take about a month to submit a septic design to the DES and obtain approval from them. Mr. Neill advised that they will need to have the water approved by the State before they will get his vote to operate; the septic system is different because portable toilets might get approved on a temporary basis.

OTHER BUSINESS:

ST. PIERRE, INC.: Albert St. Pierre and Charlie St. Pierre of St. Pierre, Inc. spoke with Mr. Edkins about their blasting at the Grist Mill. They were first permitted to blast there on June 14, 2001 and that was permitted until 2021. They came back for an expansion on June 30, 2009 and that was approved. They are bonded until 2013 and it is automatically renewed. On April 3, 2007 the PB approved an early blast. Normally they cannot blast until 50% of the foliage is on the trees. Due to tropical storm Irene and an unbelievable mud season they are here to request permission to blast 2,000 cubic yards now and another 2,000 cubic yards next week. A normal blast is between 5,000 and 8,000 cubic yards. These small blasts will keep them stocked with product until the leaves come out. They will use their usual blaster. In July they will be ready to start Phase II.

Mr. Jellie moved to approve the early blasts as requested. Mrs. Royce seconded the motion. With seven members in favor, the motion was approved.

PLANNING & POLICY ISSUES:

Enforcement Issues: Mr. Edkins was asked to follow-up on the following:

- The Motor Sports building is not in compliance with their signs, flags and other advertising on the front of the building. Mr. Edkins was assured a week ago that it would be dealt with but since it has not been he will write a letter to Mr. Burns with a copy to the owner, Mrs. Burns.
- There is parallel parking in the wrong direction in the road on a regular basis in front of the Motor Sports building.
- Vehicles are still being sold on the former Indian Shutters property.
- There are three full bark mulch bins near the Frank's Bargain complex.
- There is a new large sign for "True Cut". Mr. Edkins said the PB approved the business a number of years ago but he will check on the sign.

ADMINISTRATION & CORRESPONDENCE: None.

ADJOURNMENT:

There being no Other Business, Mrs. Smith-Hull moved to adjourn the meeting. Mrs. Royce seconded the motion. With seven members in favor, the motion was approved. The time was 9:38 PM.

Respectfully submitted,
Regina Borden, Recording Secretary

Minutes Filed: 4-7-12

(**Note:** These are unapproved Minutes. Corrections, if necessary, will be found in the Minutes of the April 17, 2012, Planning Board meeting.)