

**MINUTES
CHARLESTOWN PLANNING BOARD
JULY 17, 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: Mr. Frizzell, Chair, called the meeting to order at 7:00 PM. He noted that the full board is present therefore there is no need to call upon the alternate members. Noting that meetings are tape recorded, he asked anyone wishing to speak to identify themselves for the record.

APPROVAL OF MINUTES OF JUNE 19, 2012:

Mrs. Royce moved to approve the Minutes of the June 19, 2012, meeting with the following spelling correction: Page 4, second line, correct “Joseph Towne” to “Joseph Town”. Mrs. Francis seconded the motion. With five members in favor, the motion was approved. Mr. Frizzell and Mr. Jellie abstained as they were not present at this meeting.

ROBERT & KELLY SCOTT, cont’d – 40’ x 25’ Garage for Wrecker Storage – 121 Almar Street – Map 235, Lot 10 – Zone E (Mixed Use): Mr. Scott handed in a sketch, drawn to scale, with all the dimensions in accordance with the members request at the last meeting. Mr. Edkins clarified that Mr. and Mrs. Scott own both properties so if they were to sell even one property they could make adjustments to the right-of-way as a part of any future conveyance. This application is before the PB because the garage will be used for a commercial purpose; the property was previously approved for a commercial use as it was to be used as an impound vehicle lot. The set-back requirements are 20-feet from the front property line and 10-feet from the other property lines.

Mrs. Francis moved to accept this application as complete. Mrs. Smith-Hull seconded the motion. With seven members in favor, the motion was approved.

Mrs. Francis moved to grant final approval for the Robert & Kelly Scott application. Mrs. Royce seconded the motion. With seven members in favor, the motion was approved.

AIRGAS – Preliminary Consultation, Map 207, Lot 23 – Zone E (Mixed Use): Mr. Frizzell advised that he is a customer of Airgas but it will not affect his judgment. The PB members did not feel this was a conflict. Randall Rhoades from M & W Soils Engineering was present representing the applicant, Airgas in North Charlestown; previously it was Merriam-Graves. He introduced Tom Zampano, Project Manager, and Lisa Ramsey, Facility Manager. This will be a conceptual consultation. Mr. Rhoades will have an application in for the next meeting. He displayed an overview map of what is on the property now. There is a fenced-in lot where they park all their delivery trucks at night and in which there is also a large propane tank. What they are proposing is to take that fenced-in area and put in three storage bunkers for flammable gases and a separate building that will be used for filling propane tanks. They will take some of their operations that are currently in existence there and move them outside into their own facilities to meet the Airgas internal safety regulations. They are proposing to pave over the gravel parking area and put some 1500 square feet buildings on it. There will be a new parking lot added to the west side of it for the trucks.

Ms. Ramsey advised that they are taking their existing refilling area and moving it out into another area to make it more safe. The Airgas standard operating procedures want all these facilities to be outdoors so it is safer for the employees. The bunkers will be concrete pads with roofs over them but open on all four sides for the storage areas but the refill building will be three sided to allow an open side for air circulation. Each bay will have 25 pallets in it so there will be a capacity for 75 in each building that will be separated by a fire-proof, explosion-proof wall. Mr. Rhoades pointed out that the entire facility has a chain-link fence around it with barbed-wire and with security cameras.

Mr. Frizzell requested that a copy of Airgas's regulations be submitted to Mr. Edkins with the application. Ms. Ramsey indicated that it has taken Airgas four years to change things over from the Merriam-Graves operation. The traffic flow will remain the same. Mr. Edkins noted that these bunkers might not even be considered as buildings because they do not have walls.

Mr. Edkins mentioned that noise has been raised as an issue in the past. Ms. Ramsey said they are a medical gas facility so if they get a call from a hospital that needs a delivery at night or during a weekend they deliver it. It does not happen very often. There will not be any added activity. Out of this plant they work a single 10-hour shift, 6:00 am to 4:30 pm, five days a week. Their goal is always to keep everything as safe as possible and to abide by all rules and regulations.

Mr. Rhoades wanted to be sure there are no zoning issues. Mr. Edkins responded that there were none as this is Zone E; the set-backs look okay and this is a permitted use. Mr. Rhoades was asked to have a plan of the entire site for the next meeting. They will ask for consideration of final approval at the next meeting as they would like to complete the project before winter.

NORMAND BEAUDRY: Mr. Beaudry was present to discuss the Smith & Allen Construction Corp. and Oak Leaf Trust properties and the Excavation Permit. In 2008

the PB granted an Excavation Permit for these properties. The Smith & Allen gravel pit was excavated back to the property line so he had no way to reclaim the site without going onto the abutter's property. The PB granted them the permit to take down the berm of gravel between the two properties to allow for the reclamation. Mr. Beaudry would like to take some of that gravel but on page one of the Permit it states that "This permit will expire on the 17th day of June 2018 and is not assignable or transferable without the prior written consent of the Charlestown Planning Board" and then it lists the conditions. Mr. Beaudry has entered into an agreement with Skip Smith to buy the land and complete the conditions of this permit. He has met with Rene LeFleur and reached an agreement with him to excavate his portion and reclaim that as well. Mr. Edkins questioned if there is a way to include in the Deed the fact that he is willing to take on all the conditions and responsibilities of the Excavation Permit. Mr. Beaudry is willing to do this. Time is of the essence to do this as the gravel is needed for a project. Mr. Edkins backed up to explain that the reason this came before the PB is that the Town has been taxing the property as a commercial excavation site and Mr. Smith said the gravel pit is depleted on his land so he didn't see why they were taxing him that way. The response was that it was not reclaimed. Mr. Edkins pointed out that the Agreement should state that Mr. LeFleur is consenting to the assignment of this permit to Mr. Beaudry. Before Mr. Beaudry starts to excavate he will have to file an Intent to Excavate with the Town and there is a bonding requirement in the amount of \$3,000 per acre of open excavated area. Mr. Beaudry expects the area to be about 5 acres. Mr. Edkins mentioned that he might have to look into the Alteration of Terrain Permit with the DES as it might have expired. Mr. Edkins felt that as long as Mr. Beaudry is willing to comply with the terms of the Excavation Permit and with the approved plans, a simple assignment of the transfer does not have any impact or require that the PB re-open it.

Mrs. Francis moved to authorize that a letter from the Planning Board be written to Mr. Beaudry stating that they consent to the assignment of this permit from Smith and Allen Construction Corp. and Oak Leaf Trust to Normand R. Beaudry / Norm & Mike Excavating subject to the posting of the Bond, filing of an Intent to Excavate, the Alteration of Terrain Permit and evidence that both Smith and Allen Construction Corp. and Oak Leaf Trust consent to the assignee of the permit. The Planning Board Chairman, Mr. Frizzell, is authorized to sign this letter without further action by the Planning Board. Mr. Jellie seconded the motion. With seven members in favor, the motion was approved.

Mr. Beaudry will work with Mr. Edkins and Mr. Frizzell on the paperwork.

PLANNING AND POLICY ISSUES:

Site Plans: Mr. Thibodeau wants to make sure that anybody that comes in for a minor or a major Site Plan or an Alteration gets a complete copy of the Site Plan section so they make a proper drawing. They need to specify the size of drawings. The major Site Plan calls for 24" x 36" drawings; the minor Site Plan does not specify the size. Mr. Edkins noted that another adjustment is how far in advance the application has to be submitted. The regulations say it has to be submitted 21 days in advance but the state statute says 15

days in advance. The application form also says 15 days and that is sufficient to get notices out to abutters and the newspaper. Some language changes are needed. A Public Hearing would need to be scheduled. Mr. Edkins feels there is a need to balance the need to get the information that the PB requires to reach an informed decision as opposed to making it too difficult and costly for applicants for relatively small projects. He tries to make this a user friendly process. Mr. Thibodeau would like consistency. The major Site Plan says drawn to scale but the minor does not. Mr. Jellie feels that, at times, a simple plan works out well. Mrs. Francis suggested that they make a list of what they need to consider revising the Regulations relative to discrepancies. Applicants should follow the Regulations. Some applications have been inadequate. Mr. Edkins goes over the checklist with most applicants. For minor Site plans the tax maps work out well. In the future, he will work toward having better Site Plan applications for the PB. Mr. Edkins mentioned that the PB should look over application fees as well.

Compliance: In early May Mrs. Francis submitted a draft document to follow compliance issues brought to the PB's attention. Mr. Edkins suggested that rather than bringing up compliance issues at this meeting the members either email or phone and he will incorporate them into the worksheet to go out in each meeting packet so the PB can see what has happened. Issues brought up during the meeting are public and become part of the minutes. The Selectboard should also be made aware of these issues of compliance because the Selectboard are the ones that Mr. Edkins should be taking direction from. Mr. Edkins will try to get the compliance system in place and will talk to Jon LeClair, Building Inspector, to see if they can extract the essentials from the Property Maintenance Code to see if it would be approvable by the voters. Code enforcement is too much for him along with the other responsibilities therefore he would like to see the Building Inspector's role expanded to that of Code Enforcement.

Peripheral Signs: There was discussion relative to looking at peripheral signs again. Maybe allow one or two that are not identifying the business itself but something they carry or offer.

ADMINISTRATION AND CORRESPONDENCE: None at this meeting.

ADJOURNMENT:

There being no other business, Mrs. Smith-Hull moved to adjourn the meeting. Mr. Thibodeau seconded the motion. With seven members in favor, the motion was approved. The time was 8:39 PM.

Respectfully submitted,
Regina Borden, Recording Secretary

Minutes Filed: 7-20-12

(Note: These are unapproved Minutes. Corrections, if necessary will be found in the Minutes of the August 7, 2012, Planning Board meeting.)

