

**MINUTES  
CHARLESTOWN PLANNING BOARD  
OCTOBER 16, 2013**

Members Present: Robert Frizzell (Chair); Sharon Francis (Vice-Chair); Steve Neill (Ex-Officio); James Jenkins, Pat Royce, Rose Smith-Hull

Alternates Present: John Bruno, Richard Lincourt

Staff Present: David Edkins – Planning & Zoning Administrator  
Regina Borden – Recording Secretary

**CALL TO ORDER:** Mr. Frizzell called the meeting to order at 7:00 PM. He advised that regular member, Roger Thibodeau, was not present therefore called upon alternate member, Richard Lincourt, to sit on the Board. Noting that meetings are tape recorded, he asked that anyone wishing to speak identify themselves for the record.

**APPROVAL OF MINUTES OF OCTOBER 1, 2013:**

**Mrs. Francis moved to approve the Minutes of the October 1, 2013, meeting, as written. Mr. Neill seconded the motion. Mr. Lincourt advised that on page 2, third paragraph, last sentence, it was “Mr. Lincourt that asked the question about the light being visible” rather than “Following a discussion”. Mrs. Francis noted that on page 2, third paragraph, “Mr. Wamsganz pointed out that “they had kind of let it go at this location” but for clarification it should read “Mr. Wamsganz pointed out that they will try to make it cleaner than at the current location”. Also, change “Mr. Frizzell noted that they need” to “Mr. Frizzell noted that the Board needs”. With seven members in favor, the Minutes and corrections were approved.**

**JS AUTOMOTIVE, cont’d – 15’ x 58’ Addition to Existing Auto Repair Garage – 892 Old Claremont Road – Map 108, Lot 19 – Zone E (Mixed Use):** Mr. Edkins advised that Mr. Stoddard is not present even though they had a couple of conversations over the past few weeks. Mr. Edkins clarified what the PB was looking for and that was to add the abutters on the Site Plan itself and a better representation of what the sign was. Mr. Frizzell suggested that Mr. Stoddard might come in late therefore this will be passed over until the end of the meeting.

**CAROD PROPERTIES, LLC and B. CAIRNS PROPERTY, LLC – Boundary Adjustment between Existing Lots – 104 and 122 Main Street – Map 118, Lots 91 & 92 – Zone E (Mixed Use):** *Mr. Neill and Mr. Jenkins stepped off the Board for this Agenda item.* Mr. Bruno was asked to sit on the Board for Mr. Jenkins. Mr. Wayne McCutcheon explained that this is a simple Annexation Plan; 10,530 square feet of land will be annexed from CAROD Properties, LLC to what is now owned by Athanasios Papastrovos but there is a contract for it to be sold to B. Cairns Property, LLC. He requested that they keep the mylar until it is appropriate to fill in the book and page for that transaction. That is the only missing piece on the document. Mr. Frizzell questioned the term “Annexation” instead of “Boundary Adjustment” however Mr. Edkins clarified that they have used both terms.

**Mr. Bruno moved to accept this Annexation Plan application as complete. Mrs. Francis seconded the motion. With six members in favor, the motion was approved.**

Mr. Frizzell asked if any abutters were present. Mrs. Clark, of CAROD Properties, feels this works with the plans that were approved for Champlain Oil.

**Mr. Bruno moved to approve this Annexation Plan between the properties owned by CAROD Properties, LLC only for the conveyance to B. Cairns Irrevocable Trust. Mrs. Francis seconded the motion. With six members in favor, the motion was approved.**

Mr. Neill and Mr. Jenkins assumed their seats on the PB; Mr. Bruno returned to his alternate member seat.

**LIBERTY UTILITIES EAST-NEW HAMPSHIRE – 24’ x 42’ Building for Truck Storage and 8’ x 32’ Addition to Existing Building – 58 South Main Street – Map 119, Lot 33 – Zone E (Mixed Use):** Mr. Ed Friedman and Mr. Steve Szczechura were present representing Liberty Utilities East-New Hampshire. Mr. Friedman distributed copies of the 11” x 17” plan displaying the footprint of the new building and addition to the existing building. These are modest changes to an existing facility. Mrs. Francis asked for clarification on the Zoning for this site as the plan says Zone A. Mr. Edkins confirmed that it actually is Zone A; this was his error. The set-back should be 15-feet rather than 10-feet in Zone A for the new building. The addition to the existing building is fine. Mr. Szczechura did not see this as an issue. The purpose of the new building is to locate another truck at this site for a better response time in this area. The driveway will be into the existing parking lot. Mr. Edkins stated that this could be an Amendment to the previous approved Site Plan but they will need a revised site plan that shows the proper set-backs. Mr. Bruno asked if there is supposed to be a set-back for the line that says westerly. Mr. Edkins noted that it would be 15-feet there as well. It should be 25-feet from the front property line and 15-feet from all others. Mrs. Royce pointed out that that road should be labeled South Main Street and not Almar Road.

Mr. and Mrs. Roger Rumrill, the abutters next door, were present. Mrs. Rumrill requested that they turn the lights the other way so they don’t shine into her house. Mr. Szczechura said if Mr. & Mrs. Rumrill are willing to stay after the meeting he is willing to talk to them about alleviating this. Mr. Rumrill advised that all the water from the Liberty Utilities property goes right down and underneath his driveway to the culvert. He asked if there was any way to direct it toward the railroad tracks. Mr. Szczechura once again stated that he would be happy to meet with them to talk about the storm water issue and the lights.

Mr. Szczechura advised that they went to the Public Utilities Commission and stated that in calendar year 2013 they will erect these buildings so he is trying to meet the end of the year deadline. Mr. Bruno felt they should have a site plan that shows the location of the buildings as that is dictated by the set-backs. Mr. Szczechura will take a look at the water issue and lights. They are not deleting or adding permeable space so the run-off should not change on that end of the property. They are going onto existing asphalt. Mr. Frizzell noted that the PB should know where the existing and new lighting is; it should be on the plan. Mr. Neill asked if there is going

to be any over-head lighting on this new building. Mr. Szczechura said they have not talked about lighting but there will be lighting on the face of the building. Mr. Edkins noted that it should be downward facing and shielded.

**Mrs. Francis moved to continue this application until the next meeting on November 5<sup>th</sup>, 2013. Mrs. Smith-Hull seconded the motion. With seven members in favor, the motion was approved.**

**PLANNING & ZONING ISSUES:**

**North Main Street Zoning:** Mr. Edkins had included a map of North Main Street Land Uses – Zone E in the PB packets. Mrs. Francis explained that the PB was comfortable with leaving North Main Street as Zone E but during the process of approving the new Jiffy Mart there was a turn-out of lots of people who were concerned with its future. It is not a big area. If they start at the Masonic Building on the west side and end with the Congregational Church on the east side there are about 14 properties plus the Fire Station. Mrs. Francis had distributed copies of Zone A and A-1, Current Permitted Uses and Suggested Revised Permitted Uses (for Zone A-2, or for Zones A and A-1 also). On Main Street there is a veterinarian, a funeral home and an insurance office. Mr. Edkins mentioned that all three of these are free-standing businesses; they are not home occupations; maybe they should make that distinction. Mr. Bruno felt in the second column under “Suggested Revised Permitted Uses - b” there should be a period after “location” rather than a coma; then begin another sentence with “In addition” professional offices, etc. There is a tendency now in Land Use planning to have mixed use structures, such as, offices on the first floor and apartments on the second floor. There could be allowances for a mixed use building. Mr. Frizzell said this would change the set-back requirements. Mr. Jenkins has a problem with “home occupation” as they are not offensive to neighborhoods. Mrs. Francis added historic neighborhoods. Mr. Bruno noted that they could have home occupations that are compatible with the historic character of the area but not allow retail. Mr. Edkins felt they could use professional offices. He pointed out that the Sumner House, Jiffy Mart and Treasure Chest are in that area. There was discussion about putting the Sumner House and Jiffy Mart in Zone B. Spell out Special Exceptions in the Ordinance; they go to the ZBA. Variance is not in the Ordinance. Mr. Edkins referenced and read Section 8.10 of the Ordinance; those are the conditions under which they would allow a Special Exceptions as spelled out in the Ordinance. Mrs. Francis said the day could come when the Fire Station went someplace else or the Congregational Church could move to another location; they are large properties. The historic properties are important. Mr. Bruno does not see retail in there but rather a craft or art gallery type business; keep the historical aspect. Mr. Jenkins felt by Special Exception it could be for non-profits.

Mr. Edkins suggested we need to take a step back to talk about what we want to accomplish; are we trying to preserve the historic character of that neighborhood or trying to control the use of the existing buildings. If we are trying to protect the historic integrity of that area maybe it should be done with a local Historic District. There would have to be a Warrant Article to establish a Historic District Commission and then the Commission would determine the boundaries of the district and what the rules will be. They do have the National Register Historic District that covers Charlestown and North Charlestown but there is no regulatory framework that goes along with it; it is purely for recognition. Mr. Frizzell pointed out that one of the issues

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during the hearings on the Jiffy Mart was the historical houses. Mr. Bruno said they need to set guidelines on what they are looking to achieve and then structure the regulations to meet those goals. Mrs. Francis feels a combination of Zones B and A-2 is the best way to achieve that. Mr. Frizzell said they could invite the Heritage Commission and Historical Society to a meeting. Perhaps the Zoning Board of Adjustment should also be invited.

Mrs. Judi Baraly feels this is an interesting aspect. The private property owners do not want to be told what color their house should be. It is an interesting discussion in terms of trying to protect their historic character.

Mr. Rick St. Pierre said it usually takes about three years to get a substantive zoning change. He does feel they need something other than Zone E.

Mrs. Francis suggested that they consider doing a Zone A-2 and an expansion of Zone B on Main Street as a better level of protection and if the Historical Society wants to pursue such a district the PB could support and encourage them to do so.

Mr. Edkins assumes that the Historical Society would want to be involved but the Heritage Commission is a Town body that has no regulatory authority. A Historic District Commission would have regulatory authority once the Town adopted a Historic District Ordinance. If the PB comes up with some language they would have to hold a Public Hearing in early January but if they change the proposed Amendment as a result of what is heard at the first Public Hearing then they would have to hold a second Public Hearing; the final Public Hearing is on the language that will go before the voters. Mr. Bruno felt if this was put on a PB Agenda they could have people come ahead of time to an informational meeting before the Public Hearing for public comment and then structure the Warrant Article.

There was discussion relative to changing the Sumner House and Jiffy Mart properties to Zone B and then work on the language to either create a Zone A-2 or re-zone A-1. Another option is to eliminate A-1 and make it all Zone A. Mr. Edkins noted that the Terrace Street neighborhood, Beaudry development, and Riverview Park neighborhood are all pretty well established residential neighborhoods. Mr. Neill said his thought on A and B-1 is if they try to make too many changes people will get confused and they will vote “no”. Leave that alone; bring it up in a future year with nothing else competing with it. Mrs. Francis felt if they just do Business for the Sumner House and Jiffy Mart and A-2 on both sides of Main Street; make it fairly simple with home occupation, professional offices, business offices, galleries, etc. Mr. Bruno suggested using the term “such as but not limited to”.

Mr. Edkins said the PB should consider the whole topic of signs in Zone B. If they re-zone that area to something similar to Zone A it only allows 5 square feet of signage and that would be a hardship on some existing businesses that are already located there if they want to change their signs. For example: In Zone B the Ralph’s Supermarket sign was vandalized and he wants to replace that sign with a new one but Mr. Edkins had to tell him that he could only have 25 square feet. It is hard to get Ralph’s Supermarket on 25 square feet and make it visible. They could however replace the existing sign. The Dollar General folks are having issues in Zone B with only 25 square feet of signage.

Mrs. Francis asked if Mr. Edkins could send the next Agenda to property owners on North Main Street, the Heritage Commission and Historical Society. Ask them to come in and talk to the PB about possible zoning changes. Mr. Edkins will send out a notice to them.

**JS AUTOMOTIVE:**

Mr. Stoddard did not come into the meeting.

**Mr. Neill moved to continue this Agenda item until the next meeting on November 5<sup>th</sup> at 7:00 PM. Mr. Lincourt seconded the motion. With seven members in favor, the motion was approved.**

**ADMINISTRATION & CORRESPONDENCE:**

**Upper Valley Lake Sunapee Regional Planning Commission:** Mr. Edkins reminded the PB members that the UVLSRPC will be holding a meeting in Charlestown on Monday, October 28<sup>th</sup> on the Regional Plan. They are holding meetings all over the region. They are very anxious to have a good turnout. Mr. Edkins will send out another reminder to include the time. He encouraged the members to attend.

**ADJOURNMENT:**

**There being no other business, Mr. Neill moved to adjourn this meeting. Mrs. Smith-Hull seconded the motion. With seven members in favor, the meeting was adjourned at 8:29 PM.**

Respectfully submitted,  
Regina Borden, Recording Secretary

Minutes Filed: 10-22-13

(**Note:** These are unapproved Minutes. Corrections, if necessary, will be found in the Minutes of the November 5, 2013, Planning Board meeting.)