

**MINUTES  
CHARLESTOWN PLANNING BOARD  
NOVEMBER 19, 2013**

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

Alternates Present: John Bruno

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 the full Board was present therefore there was no need to call on alternate members. Noting that meetings are tape recorded, he asked that anyone wishing to speak identify themselves for the record.

**APPROVAL OF MINUTES OF NOVEMBER 5, 2013:**

**Mrs. Francis moved to approve the Minutes of the November 5, 2013, meeting, as written. Mr. Thibodeau seconded the motion. With seven members in favor, the Minutes were approved.**

**CARDINAL HAVEN COOP, cont'd – Sign Permit – Claremont Road (NH Route 12) – Map 110, Lot 78 – Zone E (Mixed Use):** Mr. Edkins measured the sign at the PB's request and it is 96" x 48" as specified in the application but there is a small hanger underneath with the telephone number on it that is an additional 2.875 square feet to bring the entire sign to just under 35 square feet. That is still within the Town's regulations. Mr. Edkins had the applicant change the application itself to include the small hanger underneath.

**Mr. Jenkins moved to approve the Sign Permit for Cardinal Haven Coop. Mrs. Smith-Hull seconded the motion. With seven members in favor, the motion was approved.**

**ALSTON G. SERBIAN – Seasonal Deer Processing & Meat Cutting Business – 953 River Road – Map 205, Lot 1 – Zone E (Mixed Use):** Mr. Edkins advised that this business was brought to his attention a number of weeks ago when Mr. Serbian put his sign out that he was doing a seasonal deer cutting business at his property on River Road. He wrote Mr. Serbian a letter telling him that a commercial operation/home occupation requires Site Plan approval from the Planning Board. He immediately came into the office and wanted to bring himself into compliance with the regulations and submitted an application. Mr. Edkins noted that his only addition is that the Health Officer asked him to inquire of the State as to whether there were any State licensing or inspection processes that were required; he did that and talked to John Sebert at the Food Safety Division of the Department of Health and Human Services who indicated that unless there were actual retail sales of product from the operation there is no licensing requirement. Mr. Serbian is just offering his services to cut meat for individual clients.

Kerry Johnson, an abutter to the south, received the letter about this Public Hearing and had a few questions about the deer remnants and how they will be disposed of. Mr. Serbian stated that right now he takes it to Mike Burnham who disposes it through a commercial rendering company. The product is all clean and frozen.

Driving by the other day Mr. Neill noticed a poultry truck in the yard. Mr. Serbian said that person is a friend of his that stops by periodically; he is not doing poultry.

Mrs. Smith-Hull noticed on the back of the application that Mr. Serbian wrote that he would like the ability to do occasional custom meat cutting throughout the year. His sign says “Deer Processing”. Mr. Edkins responded that it is primarily seasonal but he would like the ability to cut during the year in the event somebody comes to him with a cow or other animal; it is a custom cutting business only, no retail sales.

Mrs. Francis asked Mr. Serbian if there are any special outside lights for the business. Mr. Serbian responded that there would not be any. Mrs. Smith-Hull noted that there is plenty of parking space and room for turning around. Mr. Thibodeau asked about disposal of the blood. Mr. Serbian does not dispose of that as it is left in the woods by the client.

**Mrs. Royce moved to accept this application for Alston G. Serbian for a seasonal deer processing and meat cutting business and occasional custom cutting throughout the year as complete. Mr. Neill seconded the motion. With seven members in favor, the motion was approved.**

**Mrs. Royce moved to grant final approval for Alston G. Serbian for a seasonal deer processing and meat cutting business and occasional custom cutting throughout the year at his property on the River Road. Mr. Thibodeau seconded the motion. With seven members in favor, the motion was approved.**

**SIGN PERMIT – Al Serbian:** Mr. Edkins advised that this Sign Permit application is for a temporary sign that would be up during the fall season. He is allowed 50 square-feet.

**Mrs. Francis moved to approve the Sign Permit for Al Serbian as presented on the application. Mr. Jenkins seconded the motion. With seven members in favor, the motion was approved.**

**NEW BUSINESS:**

**Peter Plunkett:** Mr. Plunkett advised that he lives on the Meany Road and is a gun smith. For the past nine years he has been working at home dealing with muzzle loading, muskets, etc. He now wants to do more modern things but that requires a Federal Firearms License. He was advised it would require a Site Plan Review. Mr. Edkins got a call from a woman at the ATF telling him about Mr. Plunkett’s license application and asking if he complied with the local zoning regulations. He told her that as a business in that particular area, Zone E, there are not any zoning issues but depending on the nature of the business it very well might require Site Plan Review approval from the Planning Board. This is a home occupation. Mr. Edkins assumes he does not have a lot of customer traffic; it is custom work. Mr. Plunkett responded that he does a

lot of mail order via UPS with maybe once a month a straight truck delivery might come in. He does not want a sign. Mr. Edkins pointed out that this is permitted by the Zoning Ordinance but asked if the PB wants a Site Plan Review. Mr. Bruno felt that according to the regulations a home occupation application should be submitted. Mr. Edkins told Mr. Plunkett that if he would stop into the office he will guide him through the process. It is a permitted use in that zoning district but for business use or a home occupation they do require the Site Plan Review; it is a question of how he will be operating.

**PLANNING & POLICY ISSUES:**

**North Main Street Zoning:** Mr. Edkins put together two proposed amendments to the zoning regulations that incorporated the permitted uses section that Mrs. Francis proposed but in doing that he realized that in any zoning district there is more than permitted uses; there are dimensional requirements and other related requirements that need to be addressed if they are going to establish a new zoning district. He transferred all the other requirements that are contained in the regulations for Zone A and moved them over to this amendment even though he is not necessarily proposing this. He used the 25-foot front set-back, 15 for the side set-back, 15,000 square foot minimum lot size. A few areas are highlighted that might warrant a little more consideration for the establishment of Zone A-2, North Main Street. In that zone signs are limited to five square feet but that might be a hardship for existing businesses. Over half the properties in that zone have businesses associated with them. It should be re-visited because if the business has changed hands or the sign is changed the signs need to be brought into compliance with the zoning regulations for that district. The other piece of this proposal was to re-zone the Sumner House and Jiffy Mart properties to Zone B which carries a limit of 25-square feet of total signage for the property. That might pose a problem because their existing signs are grandfathered in but if they changed hands any new signage would have to comply with the regulations. Both owners would probably object to the 25-square feet of total signage. It was mentioned that these two properties would be adjacent to the A-2 Zone but the proposal was to add them to the B Zone by extending that zone to the north.

Mr. Bruno questioned if they want to limit businesses in 8.5.3 to the ones that are listed or leave it open to more interpretation. Mr. Edkins would like as much guidance in terms of the interpretation as possible. Mr. Jenkins felt they could end up with many pages and still miss the one person that wants to open a business that is not listed. Mr. Edkins pointed out that the zoning regulations control the use of the property; they need to focus in on what they intend to do there. If it is to protect the architectural and historic integrity of that area then perhaps the Historic District is the more appropriate way to do that. He has not had any further discussion with the Historical Society or Heritage Commission since the last meeting. If the PB would like to invite the property owners in this area, the Historical Society and Heritage Commission members to attend their next meeting to discuss this he will send letters out to them. If they are going to move forward with this Zoning Amendment they will need to schedule Public Hearings. They should plan on at least two Public Hearings because that gives them the ability to change the language. The first one would need to take place during the first meeting in January 2014. Mr. Bruno said if the Sumner House and Jiffy Mart were put into the new A-2 Zone their signage requirements could be increased. Mr. Edkins talked to Mrs. Clark who was fine with the re-zoning but had a concern about the signage and he was sure the Jiffy Mart would have the same objection. There is a provision in the State Statute that says if a certain percentage of the

property owners affected by a zoning change object to it they can file a protest petition which would require that the zoning change be approved by a two-third vote rather than a simple majority. Mrs. Francis said if they look at the map at the border of the B Zone; it is the east side of Main Street to Sullivan Street, on the west side it goes to River Street. Zone A-2 has an emphasis on historic properties. Mr. Edkins said Zone B will be coming up shortly as the Dollar General will be on the agenda for the next meeting and they are having some real concerns about the sign requirements; 25 feet of total signage. They are looking for a sign on the building and a free-standing sign therefore they would have to go to the Zoning Board of Adjustment for a Variance. The PB should think about the square footage sign requirements in Zone B. Mr. Bruno felt they could have a zoning change to identify the new Zone A-2 and change the sign requirements in Zone B. Dan Pelkey has a Variance from the ZBA for his signs. Hardship is one of the criteria for the ZBA to grant a Variance. The ZBA only meets on-call; they have not met at all this year.

Mr. Edkins pointed out that everything north of Sullivan Street on the east side and River Street on the west side is Zone E which is a mixed use/any use permitted. The new proposed A-2 zone ends at the southern boundary of the Fire Station property. Mr. Bruno would rather see a realistic sign ordinance in conjunction with whatever zoning change they make. Mr. Thibodeau felt they should take a quick check on how big the signs are in that area now. Mr. Neill said the other existing businesses on Main Street in the north end should be able to maintain what they have now and not be subject to potential loss. An example is Ralph's Supermarket and the vandalism to his sign; the fix was going to be an improvement, he should be able to do that. Mr. Bruno suggested that they change the definition to say that they could change signs but remain within the same dimensions as the grandfathered sign. Mr. Thibodeau felt it would be okay to change the definition of the size of the sign but restrict new ones. Mr. Edkins mentioned there are a number of signs; Rick's Electric, Charlestown House of Pizza, Jiffy Mart, where their free-standing signs are not even on their property; they are outside the sidewalk on State or Town rights-of-way. He felt they could solve the problem with both districts, in the A-2 zone go to 25 square feet rather than the 5 square feet and put the two properties (Jiffy Mart and Sumner House) into Zone B and have a third zoning amendment that says that existing signs can be replaced within the dimensions of the current existing signs on the property. That does not deal with the off-premises signs but they do not have to do that right now. Mrs. Royce felt it would be simpler to say increase the sign dimensions but only on the owner's property. Mr. Edkins noted that theoretically the Town does not allow off-premises signs even though we have a number of existing ones; they should have a license from the Selectboard.

There was discussion about the Historic District Commission. The Town could grant the Heritage Commission the statutory powers and duties of the Historic District Commission. This could be put on the Warrant but that is a separate issue. The Historic District Commission could work to put together a Historic District Ordinance with the regulations in it but that would have to be approved by the voters. The Heritage Commission has to make a decision as to whether or not they want those powers, duties and responsibilities under the statute.

Following are the revisions that were made to the Amendments:

- Amend 8.5.3.b – replace the coma with a semi-colon after dwellings;
- Amend 8.5.3.a – Delete “Detached”.

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Under 8.5.3.e – There was discussion relative to what are “Temporary structures”. Mr. Edkins felt the intent was for small garden sheds; it is limited to 100 square feet. There was a consensus to delete that sentence: “Temporary structures, of 100 square feet or less, are exempt from the setback provisions”.

Mr. Edkins will re-draft these Zoning Amendments and send an invitation to the property owners that this will affect to invite them to the next meeting.

Mr. Neill said the church has a substantial vacant lot. Would they be limited in not putting up a four-family house? Mr. Edkins said they would be. It was agreed to add into 8.5.3.c – an exception as follows: “construction of new dwellings up to four-units”.

**Sign Regulations:** Mr. Edkins advised that Sign Regulations is a carry-over item for the future.

**Next Agenda:** The Dollar General Store application has been received and will be on the agenda for the next meeting on Tuesday, December 3<sup>rd</sup>. They provided 12 sets of full sized plans which will not be easily mailed therefore if any members would like to review them before the next meeting, please stop at the office to pick them up. There is also a Traffic Study, Drainage Study and a color picture of what the building will look like. Mr. Edkins will mail out as much as he can.

**Compliance:** Mrs. Francis inquired about how Ms. Chaffee is doing following-up on compliance issues. There are new signs along Route 12. Mr. Edkins advised that if they are in the State right-of-way she needs to let the State Foreman know about them. Letters have gone to a number of businesses regarding excess and/or unpermitted. It is work in-progress. They have not yet started to work on the dilapidated buildings; that is next on the list.

### **ADMINISTRATION & CORRESPONDENCE:**

**Eric Lutz:** The PB members signed a sympathy card to Dob Lutz. Mr. Lutz had been a member of the Planning Board for several years and will be missed.

**Law Lecture Series:** Mrs. Francis, Mr. Bruno and Mr. Lincourt went to the Law Lecture Series. When the three of them are here they want to give a report. Mrs. Francis reported that this lecture was given by two attorneys. They stressed that board members have to be careful as a board about their procedures. Their Notice of Decision should include the dates, facts, motion and credentials to avoid any misinterpretation. Champlain Oil requested three Waivers and they should be incorporated in the decision. The Waivers are important and it was in the motion that they voted on. Mr. Edkins pointed out that the Waivers are referenced in the Minutes. He agreed that if there are significant Waivers that are specifically requested and granted that they should be referred to in the Notice of Decision. In the future it would be better to refer to the Waivers.

**Liberty Utilities:** Mr. Neill asked for an update in Liberty Utilities. Mr. Edkins explained that he had discussed this with Mr. Frizzell. The PB approval of the application from Liberty Utilities was subject to them getting approval from the State for the re-location of the culvert. They submitted a new plan showing new culverts and underground drainage going around the building and tied back into the State’s system and right-of-way. No new building approval was

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to be issued until the State approved that. Liberty Utilities came back with a revised plan that showed open drainage (shallow grass swale) rather than culvert drainage going around the building; that was taken to the State who indicated that it was fine as long as any disturbance or work is on Liberty Utilities property and there would be no work within the State right-of-way. Mr. Edkins concern when they came back with that decision was that it was not the same plan that the PB had approved. He discussed that with Mr. Frizzell, as the Chair, and they came to the conclusion that if the State was okay with the drainage and it actually worked he was comfortable with signing off on the approval. The revised plan was signed and stamped by the engineer and the surveyor. Mr. Edkins does not have a letter, in writing, but had verbal okay from the Division Patrol Foreman and the District Engineer. The State said as long as they are not doing any work in the State right-of-way they were okay with it.

**ADJOURNMENT:**

**There being no other business, Mr. Neill moved to adjourn the meeting. Mr. Thibodeau seconded the motion. With seven members in favor, the meeting was adjourned at 8:42 PM.**

Respectfully submitted,  
Regina Borden, Recording Secretary

Minutes Filed: 11-25-13

(**Note:** These are unapproved Minutes. Corrections, if necessary, will be found in the Minutes of the December 3, 2013, Planning Board meeting.)