

**MINUTES
CHARLESTOWN PLANNING BOARD
NOVEMBER 5, 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 OCTOBER 16, 2013:

Mrs. Francis moved to approve the Minutes of the October 16, 2013, meeting, as written. Mr. Jenkins seconded the motion. With six members in favor, the Minutes were approved. Mr. Thibodeau abstained as he was not present at this meeting.

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 distributed copies of a revised Site Plan that includes the abutters names, as requested by the Board. It was noted that no abutters were present.

Mrs. Royce moved to accept this application as complete. Mr. Neill seconded the motion. With seven members in favor, the motion was approved.

Mrs. Royce moved to grant final approval of the application for a 15' X 58' addition to an Existing Auto Repair Garage at 892 Old Claremont Road as proposed by JS Automotive. Mrs. Smith-Hull seconded the motion. With seven members in favor, the motion was approved.

JS AUTOMOTIVE – SIGN PERMIT: Mr. Edkins distributed copies of the proposed sign. It is the same size as the sign at the existing business location; 6' x 2' which is well within our guidelines; it will be 10-feet from the ground.

Mr. Jenkins moved to approve this Sign Permit for JS Automotive as presented. Mrs. Royce seconded the motion. With seven members in favor, the motion was approved.

OTHER BUSINESS:

Workshop: Mr. Bruno advised that Mrs. Francis, Mr. Lincourt and he recently attended a Workshop on writing permits. One of the things that was suggested is when they do approve a permit they should state what they are approving. For example: It should state the size of the sign and where it is going on the building; re-state in the motion what is being approved. Mrs. Francis suggested that they talk about it.

LIBERTY UTILITIES EAST-NEW HAMPSHIRE, cont'd – 24' x 42' Building for Truck Storage and 8' x 32' Addition to Existing Building – 58 South Main Street – Map 119, Lot 33 – Zone A (Town Center Residential/Professional): Mr. Ed Friedman and Mr. Steve Szczechura were present representing Liberty Utilities East-New Hampshire. Mr. Edkins advised that the big issue at the last meeting was the correction of the zoning on the property and the resulting change in the setback requirements. The applicant has submitted a revised Site Plan done by Wayne McCutcheon that shows the proper set-backs for Zone A. However this raised another issue and that is the existing culvert that goes underneath the proposed new building; the applicant is looking to relocate it around the building. That is a State culvert therefore Mr. Edkins believes they will need State approval to re-locate it even though a part of it is on Liberty Utilities property. Mr. Edkins does not see why the PB could not approve this plan subject to the applicant getting necessary approval from the Department of Transportation (DOT) to re-locate the culvert but that is the PB decision. South Main Street used to be Route 12 before the over-pass was built. He suggested they talk to Art Grenier who is the Patrol Foreman at the District Office in Charlestown. Mr. McCutcheon and Mr. Edkins talked about this yesterday and Mr. Grenier looked at it as well; it needs to be addressed.

Mr. Frizzell asked if Mr. Friedman and Mr. Szczechura talked to the neighbors after the last meeting. Mr. Szczechura confirmed that they did. They went to the property and looked at the lighting. They will change all the lighting on the building to down-cast lights to avoid having them shine in the neighbor's windows. They went over the drainage and now Mr. Rumrill understands why all that water runs down his property, it is the topography of the land, it crowns and goes down. Mr. Szczechura does not know who designed the culvert or when it was put in but it emanates on his property. After looking at it Mr. Rumrill agreed there is nothing they can do at this juncture; it is just run off water but Liberty Utilities will put some gutters on the building to try to catch some of the roof water and run it to the rear of the building; Mr. Rumrill was happy with that. Mr. Frizzell thanked them for their attention to this matter.

Relative to a question from Mr. Thibodeau on the shed, Mr. Edkins said it is an open shed. Their generator and propane tank are technically outside the property lines but they now exist there. The sewer pump station in the front of the property is a private system as it pumps the sewer from the building into the Town system.

Mr. Bruno, alternate member, mentioned when someone makes a motion he would suggest a condition that the lighting conform to the Town's Site Plan requirements and before the PB signs this plan it should be stamped and signed by Mr. McCutcheon. Mr. Edkins clarified that this is not a survey but rather a Site Plan however he will have it stamped and signed. The Town does not need a mylar unless it is going to be recorded in the Registry of Deeds but will need several paper copies.

Mr. Szczechura said the lights shown on the existing building are currently in place but will be replaced with down-cast LED lights. Two lights on the proposed building and the light in the front garage door will be the same type of down lighting. There are six lights on the main building; two proposed on the addition, one on the side facing the neighbor and one to the rear of the building.

Mrs. Francis asked what is their expectation regarding the culvert. Mr. Frizzell felt the State could provide a letter to the applicant giving them permission to move it and provide a copy to the Town who will record it. Mr. Edkins advised that they would not sign the Permit unless they have DOT approval.

Mr. Thibodeau noted that the existing shed extends beyond the property line. Mr. Frizzell confirmed that it already exists there. Mr. Edkins said it has been there since the early 1990s when this facility was originally built. The old plan does not show an encroachment so this is the result of the new survey by Mr. McCutcheon. Mr. Szczechura asked if the State should deny them the ability to relocate the culvert are they able to get a building permit for the bump-out on the face of the existing building since that has no bearing whatsoever on the culvert. They would still like to extend the face of that building so that the line trucks fit into the building.

Mr. Jenkins moved to accept this application as complete. Mr. Neill seconded the motion. With six members in favor, the motion was approved. Mr. Thibodeau abstained because there are issues with encroachment.

Mr. Edkins explained that this is a result of the re-surveying of the property. On the original plan submitted the addition comes right up to the property line but does not cross over it like indicated on the new plan; the shed is on their side of the line. He suggested the applicant talk to Mr. McCutcheon about the discrepancies. Mr. Edkins pointed out that the applicant is asking for approval to at least build the addition and not have to wait until the issues with the new building are resolved. Mr. Szczechura explained that the issue is timing; they are trying to get this in before winter. They cannot order the steel until they have approval. If they got approval at this meeting based on the State giving them approval they may not have to wait two weeks until the next PB meeting to do this. He was hoping to get contingent approval based on the State approving the plan to re-locate the culvert otherwise their plans to have another truck on-site will be delayed. Mr. Edkins suggested the PB could approve the Site Plan with the condition that no Building Permit can be issued for the new building until the Town has documentation from the State that the plan to re-locate the culvert is acceptable. Mr. Frizzell added that he would not sign the Notice of Decision until this is complete.

Mrs. Royce moved to grant final approval of the Liberty Utilities Site Plan for 58 South Main Street contingent upon receipt of permission from the State to re-locate the culvert and providing that they use lighting that is consistent with the Zoning and Planning regulations. No Building Permit for the new building shall be issued until the Town gets confirmation from the State on the re-location of the culvert. Mrs. Francis seconded the motion. With seven members in favor, the motion was approved.

CARDINAL HAVEN COOP – Sign Permit – Claremont Road (NH Route 12) – Map 110, Lot 78 – Zone E (Mixed Use): Mr. Edkins reported that this sign is already in as it was a replacement of an existing sign. He had called to the attention of the park owners that it needed to be permitted even if only replacing an existing sign. It is well within the size requirements; it is 32 square feet where the regulations for this Zone would allow 50 square feet. It is similar to the old sign. Mr. Neill asked if anybody measured it as it looks like it is bigger than indicated on the application. Mr. Jenkins agreed with Mr. Neill. Mr. Edkins agreed to measure it.

Mr. Neill moved to continue this application to the next meeting on November 19, 2013. Mrs. Royce seconded the motion. With seven members in favor, the motion was approved.

PLANNING & POLICY ISSUES:

North Main Street Zoning: Mr. Edkins explained that he was unable to get a letter out to invite all the residents of North Main Street to attend this meeting as he was out of the office due to illness. He did speak to Mrs. Joyce Higgins about this issue. Mrs. Higgins wrote a letter, dated November 5th, 2013, to the PB that was distributed at this meeting. Mrs. Higgins, as Chair of the Charlestown Heritage Commission, explained that they are hoping they can work with the PB to get the National Register Districts in the Planning and Zoning booklet and also to work on assessing whether they might have to create a local Historic District in accordance with the State of New Hampshire's RSAs. There is one regulation on the books that refers to the Historic District only they do not have one so that could be a problem. However, both the Main Street District established in 1987 and the North Charlestown District established in 2005 are clearly delineated by maps and recognized by both the federal and state governments. After the recent public hearings a lot of people are concerned about this.

Mrs. Francis had sent out an email that contained her proposed language; copies were also distributed at this meeting. Mr. Bruno responded to that with some Village of Woodstock Zoning Regulations.

Mr. Edkins raised the issue that zoning only controls the use of the property. They can have as many restrictions as they want but that does not necessarily protect the historical and architectural integrity of the district. Even if they were to limit the allowable uses to a single family home it would not prevent somebody from tearing down a historic home and re-building a modern style home. Historic Districts strive to protect the historical and architectural integrity; zoning deals with the actual use of the property. Mr. Bruno stated they could have an office use in a structure that maintains its historical integrity unless they want to designate it a residential zone. Mr. Edkins said if they were to severely restrict the uses more than half the properties in that area are not single family properties.

Mrs. Francis stated that right now North Main Street is Zone E; any use permitted. She thinks that at least North Main Street should be zoned as a residential zone with home offices or businesses compatible with historic structures; it would be desirable to consider a Historic District for all of Main Street. Mr. Bruno noted that it would affect the businesses in Dan's building and Ralph's Supermarket. Mr. Edkins pointed out that those are non-contributing structures to the National Register District now.

Mrs. Higgins has gone to some State programs on this. If anyone thinks they suddenly establish a Historic District and have definite “dos-and-don’ts” that is not true. Every Town decides what it is they want; it is between the PB and the people over-seeing the district, usually the Historic Commission rolls over into taking charge of the Historic District, but that does not have to happen. They can have two separate organizations who work together. Charlestown has a lot of buildings that are non-conforming because they are not old. When it comes to a Demolition Permit a lot of communities have said that when it is filled out it should be given to the Historic District or Heritage Commission to look at it. This gives them a chance of, maybe three months, to find some way of saving the building or some alternative to tearing it down immediately without input from the community. She does not think there is any way an agency can stop that building from eventually coming down but it buys some time to find options. They need to be cautious with what they have. The Heritage Commission duties are spelled out by the RSAs. They are supposed to promote pride in the value of historic buildings and work with the PB as an Advisory Board. There could be a Historic District overlay. Mr. Edkins pointed out that the only place the Historic District is mentioned in the Zoning Ordinance is it prohibits the placement of manufactured homes in the Main Street National Register District.

Mr. Bruno said sometimes an old historic building can be saved by making it commercial. Mrs. Higgins mentioned that even with a National Register District the concern is with the exterior and not interior of the building. She has no intention of telling people what color they can paint their house. Mr. Bruno asked if the UVLSRPC would give them some guidance. Mrs. Francis said they are talking about preserving; Mr. Edkins felt the way to do that is through the Historic District rather than regulating uses through the zoning ordinance. There are lots of resources to get that information. First of all to establish a Historic District they have to have a Historic District Commission and that has to be authorized by the voters. They could grant the Heritage Commission the duties and the regulatory responsibilities of the Historic District Commission; there is a provision in the RSAs that allows that but it has to be done by Town Meeting vote. The Commission would then work to put together an ordinance that governed what can and cannot happen in that district and that ordinance would also have to be approved by the voters. Mrs. Higgins said the Heritage Commission wants to work with the PB and Selectboard. Many people are proud of Main Street and want to keep it the way it is but they know there will be change. Mr. Edkins felt they are looking at a two prong approach to this.

Mrs. Francis felt if they have the PB reviewing the development applications as they do now for North Main Street plus the Historic Commission doing a review and both parties granting permits that might be difficult for property owners. It makes more sense for the Heritage Commission along with Mr. Edkins to bring in criteria for all the historic properties. Mrs. Higgins said they have a map; she thinks changing zoning is the first step. Zone E is too broad. Mr. Bruno asked what the process would be if they had a Historic District and what would be the permit process. Mr. Edkins said they would have to get approval from both; the two boards could meet jointly but that can be cumbersome at times.

Mrs. Higgins suggested putting together a questionnaire and sending it out to everybody in Town to see how people feel about this. In the 1980s the big concern was getting zoning in the Town. Mr. Edkins pointed out that about ten years ago when they were working on the Master Plan they sent out a survey and had a good response to it.

There was discussion relative to the definition of home occupations. Mr. Edkins read the definition from the regulations. Mr. Frizzell felt it was time to move along. They need to concentrate on what they want to do about zoning and then present that to the voters.

There are fourteen buildings on North Main Street; ten of the fourteen are historic structures. Mr. Edkins felt we could have a simple Warrant Article to grant to the Heritage Commission the duties of the Historic District Commission; those duties are in the RSAs.

Mr. Edkins asked if the PB wants to hold a public hearing on Mrs. Francis' proposal and Mr. Bruno's recommendation on home occupations. Suggested Revised Uses (b) could say "Home occupations compatible with historic residential dwellings" and delete "such as but not limited to". The Sumner House and new Jiffy Mart properties will be put into Zone B and establish a new Zone A-2 covering the rest of the North Main Street section. He will put the language together on these two zoning amendments to be reviewed at the next meeting and to schedule at least one public hearing. There was discussion relative to having a Warrant Article to establish a Historic District and to grant the Heritage Commission the duties and regulatory responsibilities of the Historic District Commission however Mrs. Higgins would like to discuss it with the other Heritage Commission members and will get back to the PB.

Sign Regulations: Mr. Edkins reported that Mrs. Chaffee is starting to work on the enforcement issues. Some businesses have already taken down their peripheral signs.

ADMINISTRATION & CORRESPONDENCE:

Law Lecture Series: When Mr. Lincourt comes back, Mrs. Francis and Mr. Bruno would like to talk about the information they received at the Law Lecture Series. Mr. Edkins distributed copies of the Notice of Decision forwarded to Champlain Oil Company, Inc. for the PB's information. If the above members have any thoughts on what he is doing now compared to what they heard at those meetings let him know and it can be incorporated into future notices.

Hassam House: Mrs. Francis went to the Open House at the Hassam House today at Mr. McCutcheon's invitation. It was interesting to see the interior structure of that house; some ceilings were three stories high. It is quite a structure even with the moldings, etc. gone.

Next Meeting: The next meeting is scheduled for Tuesday, November 19th at 7:00 PM. The new Dollar General application was pushed back to the December 3rd meeting.

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 meeting was adjourned at 8:58 PM.

Respectfully submitted,
Regina Borden, Recording Secretary

Minutes Filed: 11-13-13

(**Note:** These are unapproved Minutes. Corrections, if necessary, will be found in the Minutes of the November 19, 2013, Planning Board meeting.)