

**MINUTES
CHARLESTOWN PLANNING BOARD
MAY 7, 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, Robert Lincourt, Eric Lutz

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

CALL TO ORDER: Mrs. Francis advised that Mr. Frizzell, Chair, would be a little late therefore she asked Mr. Bruno to sit on the Board until Mr. Frizzell arrives. Noting that meetings are tape recorded, she asked that anyone wishing to speak identify themselves for the record.

APPROVAL OF MINUTES OF APRIL 16, 2013:

Mr. Thibodeau moved to approve the Minutes of the April 16, 2013, meeting as printed. Mr. Jenkins seconded the motion. Mrs. Francis requested that on page 4, fourth line, that the sentence: “If they say throw out the ordinance, well, that is the risk the PB will have to take” be deleted as she did not feel she had made that statement. Some PB members felt this should be clarified therefore the above motion was withdrawn by Mr. Thibodeau and Mr. Jenkins.

Mr. Jenkins moved to table the Minutes of the April 16, 2013, PB meeting until the staff can listen to the tape to clarify the issue. Mr. Thibodeau seconded the motion. With six members in favor, the motion was approved. Mrs. Smith-Hull abstained as she was not present at this meeting.

GYB SPILSBURY & ST. LUKE’S EPISCOPAL CHURCH – Sign Permit – 176 Main Street, Map 118, Lot 84 – Zone B (Business): Mr. Edkins explained that Mr. Spilsbury is not present at this time. He had some questions and called the Spilsbury home but they did not call back.

There was a consensus to pass over this Agenda item for now as they might just be late.

CHAMPLAIN OIL COMPANY (JIFFY MART) – Preliminary Consultation – Convenience Store & Gas Station – 104 Main Street – Map 118, Lot 92 – Zone E (Mixed Use): Mrs. Francis advised that this is a Preliminary Consultation, not a formal application. Interested members of the community will have an opportunity to provide input. Matt Wamsganz was representing Champlain Oil Company. He has been speaking with Mr. Edkins and they have been looking at properties. They now have a Purchase and Sales Agreement on the property next to the Sumner House property. If permitting is successful then the purchase will happen. They are looking to eliminate the current store and gas station on the corner of Main and Depot Streets and build something new that has more room with better circulation and

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more convenient. The Town has a 50% lot coverage requirement therefore they are anxious to see if there is any room to increase that. One of his questions is that the Site Plan Review requires a survey; since the parcel to the south was surveyed recently and there are clear markings at all property corners they wondered if there could be a Waiver of the survey requirement. He described what is now on the current site; a store, two gas pumps with a small canopy, and 4-to-6 parking spaces. There are also tanks and piping that need to be replaced; this is what is driving them to relocate. The store is about 2,100 square feet and is not in great shape. The new store will be about 3,500 square feet with 15 parking spaces around the building plus some employee parking spaces in the back. There will be four gas pumps as opposed to two at the existing station. They have been having some discussions with Carol Clark, owner of the Sumner House, about possibly entering into an agreement for some additional space but for now this is what they have. They will want to fill in the back to make it more level and it will be hooked onto the Town's water and sewer. The house that is there is in full disrepair so will have to come down. This is what he basically wanted to show the PB at this time. *Mr. Frizzell came into the meeting; Mr. Bruno assumed his Alternate member position.* Mr. Wamsganz explained that this plan shows lot coverage of about 64% because of the paving and buildings. Mr. Edkins explained the Town's percentage is 50% based on the slope.

Mr. Jenkins recalled a conversation with Albert and Carol St. Pierre, former owners of the Sumner House property, about their having an entrance off Main Street and the exit was around the back. Is this going to be a State requirement? Mr. Wamsganz said "no"; he met with the Department of Transportation (DOT) and since this is a stand-alone lot they cannot make them do this as they need to have an entrance and exit on the same lot and the DOT is fine with that but they would love to see it go the other way if that is possible. If they had enough traffic to trigger a left-hand turn lane having an outlet to go around would alleviate that. Mrs. Royce is concerned with the traffic because coming off Sullivan Street sometimes generates a long wait therefore she is concerned that there will be more traffic in that area. Mr. Wamsganz noted that the next step is a traffic study that they fully want done but are waiting because there could be three options: 1) It could be in-and-out only; 2) in-and-out with a back exit; or 3) it could be a shared parking between the two parcels.

Mr. Jenkins asked if there could be an option to purchase both properties. Mr. Wamsganz pointed out that he is not the owner of the company but from what he understands if that were to happen the Sumner House brick building would not be removed.

Mrs. Francis has two concerns: 1) one is drainage from that lot which slopes down to the railroad tracks so there is a need to address that; and 2) the State and Town are working on drainage now so this new project should not add to that problem. Mr. Wamsganz said they are happy that it slopes down and they would address drainage on site. The lot to the south has infiltration basins and the soil is sandy so they believe they could do the same thing. They are not required to have storm water drainage but they have to deal with it. They will have an engineer working on that. Mrs. Francis noted the landscaping as there are some very nice trees on the property that are an aesthetic benefit. They should have a landscaping plan. Mr. Wamsganz agreed; they pay attention to this especially with the new stores. He is aware of the fact that Main Street is a part of the National Historic District. He understands that a gas station does not fit the image of the

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beautiful town but they are trying to get rid of the eye-sore on the corner by constructing a nicer building.

Mr. Thibodeau asked if the tanks need to be within the setback. Mr. Wamsganz responded that the State of NH does not have setback requirements for tanks. The setbacks are shown on the plan but this is a preliminary sketch. Mr. Thibodeau asked how the building will look. Mr. Wamsganz said similar to the new Walpole store. He feels it is pretty appealing. There is a hip roof with four sides, asphalt shingles, wood clapboard siding, and up to a certain height on the front it is all masonry. They are trying to make things look like they fit in. Mr. Thibodeau asked if they were to get more land would they put in a Dunkin Donuts and a Subway. Mr. Wamsganz noted that there will not be any drive thru because they do not have the space and they do not want to trigger a left hand turn lane. This one will be a Jiffy Mart and a Subway.

Mr. Lutz agrees that the house they are looking to take down is in bad shape but would Champlain consider moving that house to preserve it for generations to come. Mr. Wamsganz felt they could entertain that but would have to look at the cost. After looking through the house he wonders if it is even possible to move that house; there are also the utility lines to get it through as the house is tall.

Mr. Bruno felt one of the things is the on-site traffic circulation. He assumes that all deliveries would be in the back but how would the trucks get back out. It seems tight. Storm water and landscaping are issues. They will need to review the Town's Ordinance for signage. He would be opposed to waiving a survey because it is a tight fit. He is less concerned about the 50% coverage if they are able to mitigate that with landscaping. Mr. Wamsganz stated that sometimes the delivery truck drivers just do what they want to do but they ran software program that indicates it will work. There will be no full-sized tractor-trailers only tankers.

Mr. Lincourt's main concern is the traffic. The letter from the Heritage Commission mentions the possibility of having a Dollar General store across the street from the Jiffy Mart. Will a traffic light be needed for the traffic flow? They want to make sure that it is consistent with the Town Plan. Mr. Wamsganz advised that that is ruled by the DOT. They will dictate whether the traffic will dictate an extra lane or a traffic light.

Mr. Edkins asked if they envision the front door facing the street or being on the south side. Mr. Wamsganz indicated that it could be either; one of their stores even has a corner entrance.

Mrs. Joyce Higgins, Chair of the Charlestown Heritage Commission, stated that they do have concerns about removing another historic house from Main Street. The Heritage Commission submitted a letter dated May 7, 2013, to the Planning Board that will be included as a part of the record. Mrs. Higgins pointed out that The Hassam House is arguably the second-most historic house (with the first house being the Johnson House), in the district. It was the home and workshop of Stephen Hassam a noted carpenter and clock-builder, whose clocks survive today. Some of the Hassam descendants visit Charlestown to see Hassam's home. The house also has architectural features that are important and well-documented. The Heritage Commission would like to have at least 30 days to explore other options for the house besides demolition, including moving the house to another location in town so that it could continue to exist. If it is

determined that there is no viable option except demolition, the Heritage Commission would like to have the time to thoroughly document the house, working with a professional photographer and historic house consultant, such costs to be borne by Champlain Oil. There should be a study required of the lights and noise in a primarily residential area. The Jiffy Mart will be open early in the day and late into the evening. There should be a traffic study done and a traffic light will need to be considered. They have a concern about the trees on the town-owned grass strip. Both trees were planted within the last few years by the Tree Committee, with one Elm being dedicated to the Hassam House in a ceremony attended by the Boy Scouts, school children and citizens. The Heritage Commission sponsored the event. They do have a proud history. We need to consider carefully what we do.

Aare Ilves, member of the Tree Committee and former member of the Heritage Commission, is concerned about pedestrian access to the building. Mr. Wamsganz said that is something they would address further down the road because they have noticed the walkers. The building is this far back because they had to get the circulation for the delivery trucks going in and out approved by the DOT. Mr. Ilves felt that having one entrance for both access and egress is not as acceptable as having two. Mr. Wamsganz agrees but noted that the DOT does not agree and they make the final determination on Route 12. Mr. Edkins said they are starting from scratch as far as the DOT is concerned in terms of the placement of the access. Mr. Jenkins felt there should be an entrance from Main Street and an exit (maybe a right-of-way or an easement) out back that could happen if they work out an agreement with Mrs. Clark. Mr. Wamsganz pointed out that there is traffic in all directions at the existing station, the whole lot is paved, and it is wide open. They are trying to resolve that issue at this new station. His job is to move things through the permitting process.

Mr. Wamsganz addressed some of the concerns expressed by the Heritage Commission. They would look into the house. The owner has gutted it on the inside; there is some new baseboard heat, etc. Some windows are broken. Mrs. Higgins said she has not been in the house for quite some time. Two other Heritage Commission members were present; they wondered why the store has to be so large on this smaller lot. Mr. Wamsganz responded that this sketch is a starting point as they have not yet submitted an application. Sue Coleman, a Heritage Commission member, asked why they have to have that hideous covering over the pumps. Could it be changed? She asked Mr. Wamsganz to take their concerns back to the company. Mr. Wamsganz said this canopy would be further back than the existing one. They took into consideration the age of the existing store; tanks and pipes will need to be replaced in accordance with State law so they began to think about finding a location for a new station. Mr. Frizzell advised that one-half of the parking area at the current site is on Town property.

Mr. Thibodeau pointed out that as far as one entrance goes that never worked with the restaurant even though there was a sign that said entrance only. He asked what will happen with the existing store. Mr. Wamsganz said the canopy, tanks and pipes will be removed. They can either lease or sell the store building but there will be restrictions.

Robert Scott, owner of R & K Repair Shop, advised that the driveway will not work because vehicles will come off the Old Claremont Road and cut right across Route 12 into the station. He suggested they put in a flower box or something else to protect the pumps from vehicles

driving right into them. He is not disagreeing with what Champlain Oil is doing. The next problem is that if they run the driveway out the other way they will do something at the post office because drivers will be cutting through the post office trying to go out the other street to beat traffic.

Mrs. Francis often gets caught in the traffic congestion while buying gas. She suggested they talk to the Police Department about how many fender benders they have had there. That is a reason to plan for better circulation. Mr. Wamsganz responded that at the new station they can have eight people fueling up at the same time as compared to about four at the existing station. Their goal is to increase sales and make it a better, safer place because there will be more room to maneuver around.

Mr. Frizzell mentioned that Mr. Edkins has the address for Champlain Oil so if any resident(s) have suggestions or comments they can write to them.

Mrs. Clark reported that the owner of Champlain Oil and she have been having discussions on an easement on the back of her property for an exit and/or sharing the parking space. That would make it work a lot better for the community.

Mr. Wamsganz said they will do a traffic study. Kevin Belanger from the DOT is aware of the proposed plans for the Poisson property which will have an added impact.

At this time Mr. Frizzell closed the discussion on this preliminary consultation. He advised that if people have other concerns they submit a letter to the Planning Board.

ADMINISTRATION & CORRESPONDENCE:

Michael Avenue Substation Landscaping Update: Mr. Edkins reported that concerns were raised about the appearance of the entrance into the substation on Michael Avenue and the visibility down the roadway to it. That concern was brought to the attention of Liberty Utilities who said they did take the concerns into consideration and would propose a landscaping plan. Last Tuesday he met with them and invited Mr. Frizzell, as Chair of the PB, and Steve Neill, as a representative of the Selectboard, to attend that meeting as they have other issues that go beyond the site itself; including paving of the Michael Avenue and the driveway culvert. Copies of the plan were included in the PB packets for this meeting. The gray shadow areas on both sides of the entrance are areas where there is a lot of stone rip-rap; they are proposing that the rip-rap be removed and replaced with loamed and seeded swales on both sides so that it would take away the stone look. In addition, they are also proposing two rows of 8-to-10 foot, a total of 25, arborvitae or an approved deer resistant equal on either side of the driveway. Behind that they are proposing 4-to-6 foot Shasta Viburnum shrubs, five on each side, and then back further a 15-to-20 foot red maple, one on each side of the entry way. One thing that is not specifically described on this plan is a gate, that they talked about in deliberations last spring, they are proposing that it would be solid wood, a 6-to-8 foot tall stockade style gate that would block the view down the driveway. Both Mr. Frizzell and Mr. Neill were at this meeting and stressed that what is up there now is not what they were led to believe they were going to see and the representatives understand that. They did express the sentiment that this is not being offered as an Amendment to their Site Plan. As far as they are concerned they have Site Plan approval.

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This is being offered as a means to address the concerns that were raised but they do not want to go through another PB regulatory process. They would like the PB to say that this is acceptable to address the concerns that were raised and, if they get that word, they will move forward with this right away. Mr. Frizzell said the representatives indicated that if the PB does not approve everything will stay as is. Mr. Bruno would like a photo representation that shows the PB what they are proposing so they can see what it will look like. Mr. Thibodeau added and a photo from the people's deck to show what they will see. Mr. Lincourt added that a photo be provided to show what the stockade fence will look like. Mr. Neill reported that the two neighbors that are affected met with the company and the company agreed with them to do their own landscaping to solve those problems separate from the Town. There will be supplemental plans on the neighbor's properties but that has nothing to do with the Site Plan. It is an agreement between the power company and the neighbors. Liberty Utilities mentioned that this substation is being done to benefit Whelen Engineering. If they get involved with lawyers it will be expensive. Mr. Edkins pointed out that their position is that they asked for a Waiver, the PB gave them a Waiver, and then the PB gave them an approval. Mr. Edkins, Mr. Neill and Mr. Frizzell pointed out that they granted the Waiver based on the representations made Liberty representatives that this project would be virtually invisible. Mr. Bruno felt that another concern is going to be maintenance; they need to replace the shrubs and/or trees if needed. Mr. Edkins feels when they do this it will narrow the opening a good deal; if one is driving by they will hardly see it. They did indicate that they would put a similar gate on the other roadway in the power line right-of-way. Mrs. Francis had taken some pictures that she submitted for the record. There was discussion regarding the rip-rap and the erosion control plan. Mr. Frizzell asked what the time table was. Mr. Edkins noted that they said if the PB gave them the go ahead it would start right away. He read the email received from Mr. Chuck Milliken.

Mr. Edkins mentioned that the Michael Avenue paving will be the next part of the project. The Liberty Utilities representatives will meet with Mr. Weed this week about the paving and culvert.

Mrs. Francis suggested having Mr. Edkins send Liberty Utilities a letter to say that the PB reviewed their landscaping plan and the gate and they agree that it is appropriate and needed clarification of the misunderstandings that had taken place in the approval of the original Site Plan Review proceedings. We accept their proposal subject to the continued the maintenance of the plantings and the gate. *Mr. Thibodeau left the meeting.* Mr. Jenkins requested that the wording "in good faith" be inserted after "we reviewed their plans" and "the gate will be of suitable construction"; that puts the burden on them. Mr. Edkins will get an email out to Liberty Utilities tonight and then forward the letter upon his return from vacation. Mr. Neill stated that Liberty Utilities was receptive to the two homeowners; they stepped right up to the plate.

ADJOURNMENT:

There being no other business, Mr. Neill moved to adjourn the meeting. Mrs. Smith-Hull seconded the motion. With seven members in favor, the motion was approved. The time was 9:09 PM.

Respectfully submitted,
Regina Borden, Recording Secretary

Minutes Filed: 05-16-13

(**Note:** These are unapproved minutes. Corrections, if necessary, will be found in the minutes of the next Planning Board meeting.)