

**MINUTES
CHARLESTOWN PLANNING BOARD
JUNE 18, 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, Eric Lutz

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

CALL TO ORDER: Mr. Frizzell called the meeting to order at 7:05 PM. He noted that regular member, Roger Thibodeau, and alternate member Richard Lincourt, were not present. Mr. Frizzell called upon alternate member, Eric Lutz, to sit on the PB in place of Mr. Thibodeau. Mr. Frizzell advised that this will be Mr. Lutz's last meeting as he will be moving out of state at the end of the month. Noting that meetings are tape recorded, he asked that anyone wishing to speak identify themselves for the record.

APPROVAL OF MINUTES OF JUNE 4, 2013:

Mrs. Royce moved to approve the Minutes of the June 4, 2013, meeting, as printed. Mr. Jenkins seconded the motion. With seven members in favor, the minutes were approved.

EDWARD LAWRENCE, Cont'd. – Home Day Care – 60 Bridge Street – Map 117, Lot 50 – Zone E (Mixed Use): Mr. Edkins advised that there was a site visit at 60 Bridge Street before this meeting that several members attended. Mr. Jenkins pointed out that there are a couple of things that he would like to see amended on the site plan: 1) the first driveway on Bridge Street is actually 20 feet by 42 feet wide and the smaller driveway on Bridge Street is 11 feet-six inches wide by 38 feet long; and 2) the driveway shown on Northwest Street should not be shown on the plan because it is not a permitted driveway, it is lawn. Mr. Frizzell asked if it is needed for parking. Mr. Edkins said they can park in front of the shed. Mr. Lawrence explained that they do not anticipate more than 2 or 3 cars there at the same time. There is the triple driveway and room for 2 cars deep. Somebody might have to wait a few minutes but they do not expect any long waits, if at all. Mr. Jenkins pointed out that there was mention of potentially 17 children there at any one time; even if you cut that in half with two people to supervise, you have about 10 people. If you look at the plan there are 4 cars in the driveway, 2 cars in the garage and 2 cars in the other driveway that makes a total of 8. Mr. Lawrence advised that the State allows 12 children, 2-to-5-years old, and 5 after school children. They expect to start with a smaller number and do not anticipate growing above that number at this site. They feel the children will be picked up at various times as parents work different shifts so there will be adequate room for parking. It should not be a problem.

Mr. Frizzell asked if there were any abutters present. Mr. Ralosky, an abutter was present. He does not believe there would be a problem with parking.

Mr. Jenkins noted that they have a well fenced in area for the children and there are two points of egress so it comes down to the parking and the Site Plan. Mr. Lutz asked for clarification on the time the children would leave. Mr. Lawrence said most of the children would be gone by 5:30 PM; they will usually arrive between 6:30 and 7:00 AM. Any after school children would not arrive until about 3:00 PM.

Mrs. Smith-Hull is concerned with the school age children; will a school bus drop them off by the house? It is a safety issue. Mr. Ralosky drives school bus and he does not think there will be a problem by this house. They will know when the bus will arrive so somebody would come out to meet the children and take them into the house.

Mrs. Francis thanked Mr. Lawrence for re-doing the plan as it is easy to understand. She did not attend the site visit but had driven by to look at the property. She understands that the family vehicles will be inside the garage but where will the employees park. Mr. Lawrence responded that one will park in the back driveway so there will not be any cars in the paved driveways. Mrs. Francis asked if he is able to keep the snow out of that back driveway. Mr. Lawrence pointed out that he does snow-blow that area for fuel deliveries. Mrs. Francis asked how many deliveries and pick-ups of children there might be at any one time. Mr. Lawrence explained that where he works there are 4-or-5 shifts so everybody gets out at a different time so there might be 3 children at a time or maybe even two but it depends on where the children's parents come from. Mrs. Francis asked if he has given any thought to a small sign that might say "Pick Up and Drop Off in the Driveway – Not on the Street". Mr. Edkins felt it would be easier for Mr. Lawrence just to inform parents that these are the rules; children cannot be dropped off the in the road. Mrs. Smith-Hull felt the PB could incorporate a sign in to the approval that says "Caution Children".

Mrs. Royce said after looking at it she would feel badly if a child got hurt coming or going but she feels this would be very unlikely and would still like to see this application go forward. There appear to be no other drawbacks so she wondered if it could be approved with a provision that if at any time in the future there are any safety concerns that are reported to the police that the PB would either call them back in or revoke their approval. Mr. Edkins noted that they would need to have a condition incorporated into the approval. Mrs. Francis felt that if they anticipate the issue of problems with safety of the children she does not think they should approve this application as they should all feel comfortable with it. Mr. Frizzell feels it is a lot better than one single driveway, there are three, and there is room to turn around without backing into the street. It is not a busy street; it is a side street so he does not see a problem. Mrs. Smith-Hull added that there is more traffic now as people like to go that way. There are two-and-a-half-driveways. Mr. Jenkins is not concerned with the traffic but is concerned with 3 or 4 or 5 people showing up at the same time. Mr. Lawrence said there is room for three rows of cars. Mr. Frizzell asked Mr. Jenkins what can be done to improve the parking. Mr. Jenkins did not believe there was much that could be done.

Mr. Lutz felt that the two employees could be "look outs" to minimize the traffic at the busy times and have the children ready to be picked up.

Mr. Neill sees the school bus pick-up and drop-off as a major problem for this part of the Town. The intersection at the dry bridge, Old Springfield Road and Bridge Street; the school district probably would not go over the dry bridge so that means that the bus would have to go around a longer distance to get to the Lawrence house. Mr. Ralosky parks the school bus that he drives in his driveway but right down the street he picks up a girl in a wheel chair and he has no problems making those turns or with visibility. Mr. Frizzell feels the school district would be very particular about where they run their busses.

Mrs. Francis asked Mr. Lawrence if he would consider connecting the two driveways and making that a loop to make it one-way. Mr. Lawrence felt the turn would be too tight to do that. Mr. Jenkins said a circular driveway would be ideal; there would be a normal every day traffic flow in and out.

Mr. Lutz moved to approve this application, recognizing that it takes time for a business to grow, that a condition of the approval be that if the conditions change then the PB would revisit it again. Mrs. Royce seconded the motion.

Mr. Bruno felt that the motion should state how many children there would be; it should spell out that there will be up to 12 children during the day and up to 5 additional children after school; there should also be a condition of no parking on either Bridge Street or Northwest Street. Mr. Lawrence does not have a problem with a total of 12 children now and they would come back for a review if more children were to be added. Mr. Jenkins does not have a problem with the Lawrence's daughter parking out back or if they want to park their own cars on the grass. Mr. Bruno suggested that they encourage gaps for pick-ups and/or car pooling. Mrs. Francis could not vote for this because she does not feel safe with it.

Mr. Edkins said that basically the motion was to approve the application with the condition that it be limited to 12 students total and that there is no parking on Bridge and Northwest Streets. Mr. Lutz and Mrs. Royce concurred.

Vote in Favor of the Motion: Mr. Lutz, Mrs. Royce, and Mr. Frizzell.

Abstained: Mr. Jenkins.

Mr. Edkins explained that the failure to pass a motion to approve does not mean that the application is denied; the Board must affirmatively vote to take action to either approve or deny.

Mr. Jenkins moved to take another vote on the motion.

Mr. Poisson advised that a person that voted in the negative can ask for reconsideration. It is a Roberts Rules of Order.

Mrs. Smith-Hull asked for reconsideration. There was discussion relative to the members having to vote again on the same motion. Mrs. Francis did not feel this was right.

Mr. Frizzell suggested that the PB give the folks coming in with the application another period of time to come in with some improvements to satisfy some of the people that voted "no". Mr. Edkins confirmed that a tie vote does not mean a denial. Even a negative vote for approval is not a denial. A board has to take an affirmative vote on a motion. There can be another vote on a different motion.

Mrs. Francis moved that the PB deny this application as presented and that they encourage the applicant modify the access and come back with a revised plan that they determine is sufficiently safe. The grounds for denial are the safety of access and egress for vehicles carrying children.

Mr. Edkins advised that the PB should have taken a motion for completeness prior to any motion to approve or deny.

Mrs. Francis withdrew her motion. Mrs. Smith-Hull withdrew her request for a reconsideration of Mr. Jenkins' motion.

Mrs. Royce moved to accept this application as complete. Mr. Lutz seconded the motion.

Mr. Neill did not feel that the application was complete as it did not have the number of children in it and the description is lacking in completeness. Mr. Lutz noted that the information was brought forward at this meeting and it was discussed at the last meeting in accordance with the Minutes. Mr. Neill replied that the information was not in the application itself.

Vote in Favor of the Motion: Mrs. Royce, Mr. Lutz, and Mr. Frizzell

Mr. Edkins pointed out that they need to tell the applicant what is missing from the application. Complete is different from Approvable. Mrs. Francis said that on the application it only says "Day Care".

Mr. Jenkins moved that for the application to be considered complete, the following additional information is required: 1) the maximum number of students on the premises at any one time; 2) the maximum number of employees on the premises at any one time; 3) the maximum number of cars on the premises at any one time; 4) corrections to the Site Plan showing accurate the driveway widths and lengths; 5) supplement the Site Plan to show the access(es) for the children out of the playground area; and 6) delete unpermitted driveway off Northwest Street from the site plan. Mrs. Francis seconded the motion. Vote in Favor: Mr. Jenkins, Mr. Neill, Mrs. Francis, and Mrs. Smith-Hull. Opposed: Mrs. Royce, Mr. Lutz and Mr. Frizzell. The motion was approved by a 4-to-3 vote.

Mr. Edkins asked the PB if they will allow the applicant to provide them with the information again or will they require that the applicant start from scratch. There was a consensus that they will continue the application until the July 2nd meeting.

Mr. Neill moved that the PB continue this application to the July 2nd, 2013, meeting. Mrs. Smith-Hull seconded the motion. With seven members in favor, the motion was approved.

Mr. Lawrence advised that this is disappointing. This is the second meeting that he attended and they just now find out that it is not accepted as complete. He asked for an explanation as to why it is taking so long to find out that it is not complete. If he does the extra work there is still no guarantee that the PB will approve it.

Mrs. Francis explained that the PB is not happy about not approving this application. When Mr. Lawrence was here for the first meeting the drawing and the map were so far removed from their requirements that they asked for more carefully measured out areas. The important issue is the safety issue and the changes they will need to make in the drop off and pick up area because the majority of the members do not feel it is safe. Mrs. Royce feels the application is complete as presented right now. Mr.

Edkins suggested that the motions to approve/deny were premature and it perhaps should not have been allowed before completeness.

OTHER BUSINESS:

Poisson Property: Mr. Fred Poisson was present to provide an up-date on the proposed sale of his Main Street property. The property is still under contract to be sold to Dollar General. They have started their due diligence. A problem came up in that there is an empty gas tank in the ground connected to the motorcycle shop that has been there since 1935. It will be dug up and removed this week but it will delay things for up to two months. The State has up to two months to approve the removal. The boundary line goes through the middle of the tank.

Eric Lutz: Mr. Frizzell advised that this was Mr. Lutz's last meeting as he will be leaving the State. He was thanked for his years of service on this Planning Board. At this time Mr. Lutz left the meeting. Mr. Bruno, alternate member, was asked to sit on the PB in his place.

PLANNING & POLICY ISSUES:

Sign Regulations: Mr. Edkins reported that Richard Lincourt provided over 100 slides of various signs of all sizes, colors, free-standing or on buildings, inside or outside of windows, permitted and not permitted, in various zones, that are visible throughout the Town. The PB members began their review of the slides. After viewing approximately 77 of the slides there was a consensus of the members to continue viewing the remainder of the slides at the next meeting. The members thanked Mr. Lincourt for taking on this time consuming project.

ADMINISTRATION & CORRESPONDENCE:

There was no new Administration or Correspondence to come before this meeting.

ADJOURNMENT:

There being no other business, Mrs. Francis moved to adjourn this meeting. Mrs. Smith-Hull seconded the motion. With seven members in favor, the motion was approved. The time was 9:44 PM.

Respectfully submitted,
Regina Borden, Recording Secretary

Minutes Filed: 06-26-13

(Note: These are unapproved Minutes. Corrections, if necessary, will be found in the minutes of the July 2, 2013, Planning Board meeting.)