

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

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

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, Jim Jenkins, was not present so called upon alternate member, Dick Lincourt, to sit in his place. Noting that meetings are tape recorded, he asked that anyone wishing to speak identify themselves for the record.

APPROVAL OF MINUTES OF JULY 2, 2013 MEETING:

Mrs. Francis moved to approve the Minutes of the July 2, 2013, meeting, as written. Mrs. Royce seconded the motion. With five members in favor, the Minutes were approved. Mr. Lincourt and Mr. Frizzell abstained as they were not present at this meeting.

ROBERT H. BOOTH – Three (3) Lot Subdivision – Wheeler Rand Road & Tehran Drive – Map 210, Lot 80 – Zones D (Watershed) & E (Mixed Use): Mr. Edkins advised that this Public Hearing was advertised, posted and abutters were notified by certified mail. Mr. Tom Dombroski, Surveyor represented Robert Booth who was also present. He displayed plans for the subdivision. Mr. Booth owns two separate pieces of property but he wants to make three lots out of it.

Lot #1 on Wheeler Rand Road will be 1.82 acres. It is in two zones, “D & E”, but most of it is in “E”. A power lines goes through the back of the property. Because the Zoning Ordinance allows a zone line to be moved 100 feet in either direction at the option of the property owner Mr. Booth has opted to consider the entire lot to be in Zone E..

Lot #2 will wrap around Lot #1 and will also have frontage on Wheeler Rand Road. It will be 10.13 acres. It meets the 5-to-1 ratio of frontage to depth.

Lot #3 will front on Tehran Drive. It will be 5.01 acres which is entirely in zone “D”. It also conforms to the 5-to-1 ratio of frontage to depth.

Test pits were dug on all three lots. Lot #1 has loamy, gravelly soil and is suitable for a septic system. They went down 60 inches and had no problems. On Lot #2 it was pretty much the same; they also went down 60 inches. On Lot #3 they went down 6-feet; it is well drained gravelly soil. The plan shows elevations for the entire property. It is mostly level in the front of the field and the rest of is steep and wooded. A large power line crosses Lot #2 and some of Lot #3; there is a 250-foot easement but only half of it is cleared.

It was determined that this is a Major Subdivision therefore Mr. Edkins read through the check list. Both Wheeler Rand Road and Tehran Road are Class 5 Town maintained roads. A narrative was attached with the application. There is a restriction that runs with the land that “No mobile homes shall be located on Lots 1, 2 or 3”. Mr. Frizzell questioned who would be responsible to enforce this restriction. Mr. Edkins said it will be the responsibility of the person(s) to whom the restriction benefits. The Town has no authority to enforce private Deed restrictions unless the Planning Board required them as a condition of the approval. They are private contractual agreements between two property owners.

The lots do not yet have State Subdivision approval for Lot # or driveway Permits from the Town Highway Department. Mr. Edkins advised that Mr. Weed looked at the properties but the stakes were not in so he did not sign off. Mr. Dombroski will mark the locations tomorrow.

The Planning Board waived the requirement for detailed data within 200-feet of the property boundaries. There is no municipal water or sewer in this part of Town; all water and wastewater systems will be on-site. All the other checklist requirements were either not applicable or were shown on the plan. There was a consensus to delete the requirement for the signature of the owner from the check list.

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

Mr. Thibodeau moved to grant a Waiver of the required detailed data for 200-feet beyond the property borders and to grant final approval for this three lot Subdivision subject to the following conditions: 1) State Subdivision approval for Lot #1; and 2) Town Driveway Permits for the three lots. Mr. Bruno requested an amendment to add a condition that the corners be set. Mr. Thibodeau accepted this amendment. Mrs. Francis seconded the motion as amended. With seven members in favor, the amended motion was approved.

PLANNING & POLICY ISSUES:

Sign Regulations: Mr. Edkins pointed out that the PB spent time during the last two meetings looking through slides of signs. As requested by the PB at the last meeting, he included sample copies of Sign Regulations from other towns in the packets (Walpole, New London, Enfield, Lyme and Claremont). Mr. Thibodeau asked about fines being attached. Mr. Edkins said Charlestown’s regulations include as well but it would require going to court to collect. His philosophy is to try to get compliance rather than punishment by going to court; fines are associated with court action. Charlestown does not have fines specifically associated with signs but to any violation of the ordinance itself. Mr. Bruno did not feel that we were far away from the other ordinances other than a difference in square footage. Mr. Edkins advised that the American Planning Association put out a publication in 1989 entitled “Sign Regulations for Small and Mid-Sized Communities” and it includes a model ordinance. It may have some good ideas in it. He will scan it and email copies to the members. Mr. Bruno suggested that the Board obtain a copy of the Jiffy Mart approval in Walpole approval for their review. Mrs. Francis read the passage about non-conforming signs from the Zoning Ordinance; when a business is

discontinued the sign should be removed within 90 days. Mr. Edkins reported that Patty Chaffee, the new Assessing Clerk / Code Enforcement employee, started to work this week. He met with her to talk about some major enforcement issues that they are looking at and they will start to work on a priority list. He asked that members having zoning enforcement priorities send a list to him. He will work with the Selectboard because ultimately the zoning enforcement authority originates with them; therefore he will show them the priority list, get their go-ahead and have Ms. Chaffee begin the process. The Hazardous and Dilapidated Building Ordinance has been used several times. They can go through the District Court rather than the Superior Court without expending a large costs and/or having to hire an attorney. Mr. Edkins usually starts with a friendly letter calling a non-compliance issue to the owner's attention. If that does not achieve a result then he sends out a formal Notice of Violation which is the start of an enforcement procedure. Everything is documented. The other issue that will require research is to find out when the Town started to impose sign regulations; which signs are grandfathered and which ones are not. He has kept records since 1999. Mrs. Francis felt they have a good ordinance but might want to think about if they want to propose anything different at the next Town Meeting.

ADMINISTRATION & CORRESPONDENCE:

Next Agenda: Mr. Edkins expects that the Champlain Oil Site Plan application will be on the next Agenda for the August 6th meeting. The State Department of Transportation has reviewed the traffic study and approved it. It will be in the office and available for review.

Conservation Commission: Mr. Lincourt attended the Conservation Commission meeting last night. On August 19th there will be a special meeting on invasive species presented by Lionel Shoot. It will be advertised in the Our Town and posted.

Connecticut River Joint Commission: Mr. Bruno reported that he is a member of a working group that includes Mrs. Francis and Mr. McClammer who are dealing with the FERC re-licensing of TransCanada's hydro-electric dam in Bellows Falls. Re-licensing is a five-year process. July 15th was the last submission date for comments and they submitted several dealing with hydrology, erosion and mercury fluctuation in the water levels. Mrs. Francis noted that the power company only wants to study impacts 200-feet from the top of the bank but the group is recommending a 500-year flood line. Mr. Bruno thinks it is important that the Town take a position on these things therefore the CRJC will keep the towns informed of what is going on. TransCanada has until August 13th or 15th to come out with a revised study plan based on the comments. Anyone can go on the FERC web site to read the documents that have been submitted. Mrs. Francis said they are also asking for a climate change consideration as this is for a 40-year permit. In the last 10 years they have seen the water shift through variable weather patterns.

ADJOURNMENT:

There being no other business, Mr. Thibodeau moved to adjourn this meeting. Mr. Neill seconded the motion. With seven members in favor, the meeting was adjourned at 8:31 PM.

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Respectfully submitted,
Regina Borden, Recording Secretary

Minutes Filed: 07-26-13

(Note: These are unapproved Minutes. Corrections, if necessary, will be found in the minutes of the August 6, 2013, Planning Board meeting.)