

**MINUTES
CHARLESTOWN PLANNING BOARD
SEPTEMBER 3, 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, 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 the full Board was present however Mr. Bruno will sit on the Board as a regular member for the Champlain Oil and Shilo White applications as he has for the previous meetings on these applications. Mr. Neill will step off the Board for the Champlain Oil application and Brenda Ferland will 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 AUGUST 20, 2013, MEETING:

Mrs. Francis moved to approve the Minutes of the August 20, 2013, meeting, as written. Mr. Jenkins seconded the motion. Mrs. Royce noted that the last name of “Pat Ahearn” should be corrected to “Ahern” where it appears several times; on pages 4, 5 and 7. Also, on page 7 “Whelan” should be corrected to “Whelen”.

Mr. Thibodeau stated that on page 5, last paragraph, change “house being *town* down” to “house being *torn* down”. On page 11, fourth paragraph, change “Relative to discussion about a floor drain” to “Mr. Thibodeau asked if there will be a drain in the garage floor.” Add that “Mrs. White responded that there is but it will be used for water or snow melt only. Mr. Thibodeau noted that they cannot regulate if it will be water or oil.” On page 11, top of page, Mrs. White said “Down the road they will put in a rest room” it seems it should be changed to “In the future they will put in a rest room”. Mrs. Francis accepted these corrections and Mr. Jenkins seconded them. With seven members in favor, the Minutes were approved as corrected.

CHAMPLAIN OIL COMPANY, INC., cont’d – 4,100 Sq. Ft. Convenience Store with Gas Pumps & Subway Restaurant – 104 Main Street – Map 118, Lot 92 – Zone E (Mixed Use):

Mr. Frizzell opened the recessed hearing on Champlain Oil Company, Inc. Mr. Wamsganz distributed copies of a new layout plan and Exhibit E (Exit to River St. dated 9-3-13). They submitted the revised traffic impact study to the NH Department of Transportation (DOT) but their review is not complete at this point. Therefore they would prefer not to get into any traffic issues at this meeting until they get the response from the DOT. One important thing they wanted to present at this meeting is that they reached an agreement with Carol Clark to purchase a quarter acre of land on the back of her parcel where there is an existing drive. This will change

where they had their turn-around for the delivery and service vehicles as they can now provide a two-way in-and-out access to River Street. They have not as yet studied what the traffic impact of this will be but they believe it will be better than having just the one front access/egress. They are pleased with this agreement. With the extra quarter acre and the pavement that is already there it puts their lot coverage at 59.3% down from the 68% that they were previously asking for. They will get into the storm water with Christopher Turgeon from Pathways Consulting who did the design. The traffic and signs will be issues for later on. They reduced the number of employee parking a few spaces and shrunk the width of the overall space a little.

Mr. Frizzell had assumed that if there was an exit to River Street there would only be an entrance at Main Street. Mr. Wamsganz clarified that they do not want to force people to go out that way. The idea was to alleviate some of the vehicle numbers at the front. This was discussed with the DOT as they were working on this concept from the beginning. Mr. Bruno asked if this will mean that all the deliveries will take place in the back. Mr. Wamsganz replied “yes”. Mr. Jenkins said all deliveries that are still coming in from Main Street but exiting out back. Mr. Wamsganz replied “yes” as much as possible. Mrs. Francis is interested in the traffic consultant analysis of the percentage of traffic that might be likely to use River Street and what signage would encourage the use of River Street access. Mr. Wamsganz noted that the consultant will be prepared for that discussion two weeks from tonight. This all came together quickly but they felt it important information and wanted to get it out on the table. Mr. Thibodeau felt that turning onto River Street is complicated by the small island at the Main Street/River Street intersection, especially when turning north, will that get re-worked. Mr. Frizzell advised that the island is not the Board’s issue.

Mr. Frizzell opened the hearing to the public but advised that it is for limited discussion about the rear exit only.

John Murray was wondering about it being wide enough for two-way traffic. Mr. Edkins said it is shown on the plan as being 20-feet wide so that is two ten-foot lanes.

Nancy Houghton asked if any thought was given to traffic going west, then north and over the dry bridge. Mr. Frizzell’s comment was that it is way off. Mr. Edkins felt that anybody exiting this site and going to the west side of town would probably use the rear access and go west on River Street rather than going onto Route 12, north and then back west over Bridge Street.

Bob Scott stated that the only issue he sees with the back exit is that they will be going out through the post office parking area. He expects they will get complaints from the post office but he feels it is an improvement for them.

Mr. Turgeon from Pathways Consulting spoke on the storm water. They have an infiltration basin designed for a 25-year storm but it can handle a 100-year storm. Since the last meeting a small retaining wall was added to the back of the employee parking area. This was before they did test pits to verify the infiltration rate which was a lot better than the 6-inches per hour based on the CCS soil information for the county. Although they found it to be excessive to be 205-inches per hour that will probably slow down a little after construction. The 100-year storm reaches the over-flow of 492.8; the elevation of this storm at the 6-inches per hour would be 3-

inches below that. They have a couple of structures ahead of it that have sumps which help hold extended amounts of water and have a constant water level in them. There is a ditch in the back of the building to provide some treatment into the slope of it.

Mr. Bruno noticed in the report that the seasonal high water was down about 48-inches. Mr. Turgeon said approximately 18-inches below the treatment device once built; maybe 4-to-5 feet down from the existing grade. Mr. Bruno feels it is more like 4-feet rather than 5-feet and the basin is 4-feet deep. Mr. Turgeon said the bottom of the detention basin is about 1-foot to the seasonal high water tables. There are different requirements for the infiltration for the State depending on pre-treatment and what is going into it. They tried to meet as much of these requirements as possible. They could actually make this a little smaller and increase the distance above the seasonal high water table. Mr. Bruno asked how snow storage would affect the capacity of the detention pond particularly with the seasonal high ground water if there is rain as well. Mr. Turgeon said if snow is pushed in it will probably melt slower but it will have to be maintained and monitored similar to culverts. Responding to a question from Mr. Bruno, Mr. Turgeon explained that this being a covered gas station the concrete pads where the fueling happens have grooves meant to hold a certain volume before they over-flow.

Mr. Jenkins noted that the purchase of the land from Mrs. Clark reduced the lot coverage down to 59% and they eliminated some parking spaces. Do they have emergency gas shut-offs? Mr. Turgeon responded “yes”.

Mrs. Francis said Mr. Turgeon had said they reduced the size of the retention basin, is that correct? Could he explain why? Mr. Turgeon said the configuration was slightly adjusted because they put in a retaining wall to make the pond bigger so they would not have a discharge problem. Previously they did not know the actual infiltration rate of the soils at the time so they were assuming the Sullivan County Conservation Service rates of 205 inches per hour which is excessive.

Mr. Lincourt questioned the snow storage and asked if it is still going to be possible to take it off site with the retaining wall. Mr. Turgeon responded that even without the retaining wall only some of it was meant to be pushed in. The wall is below the parking. They can still truck it away with a bucket loader or dump truck. They would do that before it gets into the pond.

Mr. Frizzell opened the hearing to the public for discussion on this subject only.

Mr. Wamsganz referenced a letter received from Jeffrey Lessels, President, Charlestown Masonic Building Association, Inc. that he just received tonight. He feels they have met some of the three concerns. The set-back requirements for the southerly property line are being met currently. The trees are on the plan – there is a row of 7-or-8 evergreens. The Masonic Building Association asked for 12 trees but the Jiffy Mart had planned on 10. Mr. Edkins noted that the Site Plan buffer requirements are 15-feet in width for the length of each property line. The applicant is requesting a Waiver for this width across a majority of the front property line because the access would be impossible without this. They are also asking for a 10-foot buffer on a portion of the north property line and an 8-foot buffer on a portion of the south property line. The main reason for this is to provide an adequate turning radius for delivery trucks as the site is very narrow at the front. Mr. Thibodeau would like to see some pictures of the trees and

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an explanation as to how big they will be when they go in. Whatever they put there should be a full-sized shrub or tree so people do not have to wait 10-to-15 years for it to fill in. Mr. Wamsganz mentioned that it will work; the landscaping table on page 6 addresses this. It specifies that the trees come in at a height of 7-feet. There will not be huge gaps between them to start out. The lighting requirements are being met with the exception of the very front corner of Route 12; they have asked for a waiver on this.

Mrs. Francis feels they are pushing the envelope as hard as they can in a neighborhood where they are the exception to the uses around them. What would be so difficult to design a facility that did not need to ask for Waivers? It is asking a lot of this Town. Mr. Wamsganz explained that the main reason for the pavement widths is to have a comfortable radius for the trailers to drive around to drop the gas. They looked at the idea of them going out River Street but the radius is too tight. They are trying to make the site work and to have it as comfortable as possible. They have had engineers involved and it does not work very well to make a back-and-forth situation for the trucks with the fueling positions; it is basically a circular pattern.

Mr. Frizzell opened the hearing to the public.

Mrs. Houghton wants to understand this gentleman when he asks for Waivers. Is he saying he does not have enough room? If so, he needs to find another location.

John Murray is wondering if any consideration was given to using either side of Sullivan Street as a possible building area. It would eliminate some problems for the community. If they needed to widen the street it would be relatively easy to do. There are properties that could be purchased. If they need to widen Main Street, that is a problem.

Bob Scott is concerned that if the Jiffy Mart gets approved nobody in Charlestown has the decision as to whether Main Street gets widened or not because that is the decision of the State. Does Charlestown want a three-lane Main Street? What do they want the Town to be in 10-years?

Aare Ilves had a question about the existing trees between this property and the Masonic Building. Is there a possibility of keeping those trees as a buffer? Mr. Wamsganz explained that those trees are on their property and scheduled to be removed; that is in the plans.

Mr. Jenkins said when they originally came in their building was 25% smaller. Is there an alternative to putting in a smaller building that will comply without requesting Waivers? Mr. Wamsganz responded that it would take some time to go back and look over the plans but basically this is what they settled on for Charlestown. At the present time they are trying to get this size with the Waivers. Mr. Bruno felt the Waivers are more related with the turning movement than to the building size. He questioned the two granite markers. Mr. Wamsganz replied that they are to remain.

Gayla Aiken looked at the trees and vegetation on the property and she is wondering how much of that will be flattened and paved over. They said they would bring in smaller trees as replacements. That is a beautiful spot.

Richard Pacini questioned that if this location is not resolved what the company's plans for the old store are. He cannot see them just pulling out of town. Mr. Wamsganz noted that their plan is not to leave Charlestown at all as it is a great town. One way or the other they want to stay. They are trying to work through this and be as honest as they can. They have done a lot of research and work and have employed a lot of experts to get through this process. They have looked at other properties but have settled on this one for many reasons. They like the location being in town. They do not want to go outside town on a limited access highway or on a property with restrictions. They want to make this site work well.

Mr. Edkins stated that they have not heard the final verdict from the DOT on the traffic study so that will have to wait for a future meeting. The current traffic situation on the corner is a nightmare. He looks over at that business every day from his office window. The access/egress to the proposed site is much more controlled and orderly. The current parking situation is one big parking lot from the Jiffy Mart pumps across Depot Street into the parking lot for the municipal building. It does not work.

Mr. Murray said relative to the trees and taking them down. That means that his property would have very little screening therefore he asked if it would be possible to put up some more trees to take care of this. Mr. Wamsganz said absolutely, they could do that as they would like to work with everybody especially with landscaping plans. Mr. Thibodeau asked if there is any way that they can avoid taking down those trees. Mr. Wamsganz said they are sugar maples; the issue is when they are digging down for the foundation they are very close to the trees so they will likely not make it and die off. Mr. Frizzell said they could put in replacements that will fit better.

Mrs. Francis appreciates Mr. Wamsganz's candor and the thoughtfulness with which Champlain Oil is approaching this conversation. As she listens to people and she has had quite a few phone calls on this subject, it is squeezing too much on this lot. What would reduce the pressure on the ground water and traffic? Another question is why they need a Subway in Charlestown as they have really good lunches in a number of places.

Mrs. Houghton did not question if the Town wanted a Subway but is the location big enough for what they want and she questions traffic flow. She does believe we need a Jiffy Mart in Town.

Bob Scott said if they want to remain in Charlestown then they will find the right spot without Waivers. He knows that they need a new spot. Champlain Oil does not have Charlestown's best interest but rather they have their pocketbook as their best interest.

Ron Cairns is the part owner of Champlain Oil along with his Father. They have been in Charlestown for a long time. They have a good store and a good Manager in Dee Hassett. They want to make it a better situation and work together in partnership with the Town and Planning Board. They are going to invest a lot of money because they know that their situation now is not working. They do want to work together.

Mr. Wamsganz reviewed the Waivers they are requesting. They are not extreme. 1) A small lighting Waiver for .3-foot candles in one corner of the property; 2) For the width of the

landscape buffers on a majority of the front boundary line; and 3) The lot coverage Waiver; they are now down to 59%. They previously discussed the Noise Waiver. Some lots surrounding them are in excess of 50% green space and have zero storm water treatment. They are putting a plan together that has 100% storm water treatment for a 100-year storm with regulations that call for a 25-year storm. They feel they have gone above and beyond trying to make this work. The Waivers are fairly minimal. If this does not succeed and they stay where they are they are asking how the residents feel about that.

David Schroeder is concerned about the ADA guidelines because he is a paraplegic. The current Jiffy Mart goes back to 1999. Three years ago the DRC Disability Center sent a representative who spoke to management but got no results at the Jiffy Mart. The Governor's Office of Disabilities recommended that he ask why they are not up to code at the existing Jiffy Mart. He should not be denied access to the facility. Ramp that up to get it up to code.

Mr. Cairns apologized but this is the first time he heard about it. He is sorry they have not complied with the request. They would hope to get approval for the new facility. Nothing will happen immediately but Dee will make arrangements to bring items out for him. Mr. Schroeder said the issue is being denied access. The Walpole and Claremont facilities are great for their access. He also pointed out that there are no barriers to protect the Rhino propane containers.

Mr. Murray stated that to say this proposed location is the one that should be built because it is a better location is a false choice. The current Jiffy Mart is so bad that it really should not be there but to say the new one should go in this new location does not make any sense. What we need to do is find something that is good for Jiffy Mart and the community. This plan does not meet that requirement.

Theresa Cargill is hearing a lot about trees and site plans. She and her husband do not come to Charlestown often because of the traffic. It is not the Town they had 10-years ago and it is not what they will have 10-years from now. It seems that Champlain Oil really did their homework to find this location. They drove up and down the street and could not even find another location that they would even recommend to Champlain Oil. Trees and old houses are important but the bottom line is if somebody drives out of the existing site, has an accident and is killed, people will say "wow" Jiffy Mart was in a bad location. Concessions need to be made.

Mr. Ilves had raised the question about the pedestrian walkway from the sidewalk to get to the entrance. It is a matter of safety. He has not heard anything else about it. Mr. Wamsanz said they have not moved forward with this because people will walk where they want to. They looked into it and came to the conclusion that it would not work.

Mr. Frizzell moved the discussion back to the Planning Board.

Mr. Bruno asked how many more days do they have in their review period and questioned if they would be getting a new site plan in view of the new access. They will have to do a boundary line adjustment in the time frame also. Mr. Edkins advised that the application was accepted as complete during the August 6th meeting. From that point the Statutes give the PB 65 days to act so they are about 30 days into that period. The 65 day time frame is for the benefit of the

applicant(s) therefore they can waive that if they feel it to be in their best interest to work out some issues. The PB has two more meetings within that time frame. They will need an application for the Boundary Line Adjustment. Usually the PB deals with these in one meeting. Approval of the boundary adjustment could be included as a condition of Site Plan approval. Mr. Wamsganz asked that if there was an approval that a condition of approval would be the boundary adjustment because if it is not approved they do not need the additional land.

Mr. Bruno would like to see a new package put together with all the revised plans. Mr. Wamsganz hopes to have that packet ready for the PB members on September 13th prior to the next meeting on September 17th. Upon a question from Mr. Frizzell, Mr. Bruno stated that he is reasonably satisfied with the drainage study.

Mr. Bruno asked if they would consider siding the canopy with the same type siding as the building and a pitched roof rather than the white, orange, red colors. Mr. Cairns said they would consider it as they have done that with other facilities.

Mr. Frizzell pointed out that they had talked about moving the mechanical equipment to the back instead of on the side; is that a part of the plan now. Mr. Wamsganz said they will change it to accommodate the neighbors. Mr. Lincourt asked if they could give some indication of how much they could shift the entire building southward as he is concerned with the Waiver on the landscape distance.

Mrs. Francis moved to continue this application until the next meeting on September 17th, 2013, at 7:00 PM. Mr. Thibodeau seconded the motion. With seven members in favor, the motion was approved.

Mr. Thibodeau moved to continue the Sign application until the application has been acted upon. Mrs. Francis seconded the motion. With seven members in favor, the motion was approved.

The PB took a five minute recess from 8:29 to 8:34 PM.

SHILO WHITE, cont'd – Auto Repair, Inspection and Tire Service – 14 Wheeler Rand Road – Map 213, Lot 59 – Zone E – Mixed Use: Mr. Frizzell advised that at the last meeting they left off asking for a more explicit drawing. Mr. Edkins distributed copies at this meeting. He had the copy of their septic system approval from the State that shows the location of the well and septic system. The 1,250 gallon tank is designed for a 3-bedroom house. Mrs. White stated that they will not have a public rest room in the garage. Repairs will be by appointment only and there will be no employees.

Mrs. Smith-Hull received a request from somebody that the PB schedule a site visit and she is also requesting a site visit. Mr. Jenkins asked what the issues are. Mrs. Smith-Hull noted that one of the issues was the stone wall and whose property was it on. Mr. Bruno felt that if someone felt there was a need for a site visit they should have come to the meeting to make the request with a survey. Mr. Edkins pointed out that Jon LeClair, Building Inspector, did an inspection and checked the set-backs before the Building Permit was issued. Mr. Jenkins felt

they needed to confirm that the floor drain was blocked off. Mrs. White displayed pictures of the property including a picture of the floor drain being blocked off with cement, the secured storage barrels, office space, etc. There was a picture of the property line looking from the edge of the garage down the driveway toward the road. Mr. Edkins pointed out that they will need to get a Sign Permit for their Snow Plowing sign. Mrs. White was unaware of the permit as she felt that because the sign was on their property and advertising their service that it was okay.

Mrs. Cargill also displayed pictures that she had taken. She wanted to give the PB members a sense of how close the properties are.

Mr. Edkins had a copy of the Tax Map and a copy of it over the Ortho Photo. He felt it displayed that there probably would not be a lot of traffic on Wheeler Rand Road because as one comes off Route 12 they would go straight up the White driveway. Mrs. White noted that they will not be open on Sundays.

Mr. Neill had a conversation with the Department of Environmental Services (DES) about used oil. Mr. and Mrs. White had indicated that they were going to collect their oil and transport it to Ron's Fix It Shop but they cannot do that as a business. The only people that can transport their own oil is a homeowner that generates it in his own house and brings it to someone that wants to burn it but as a business they cannot transport one drop of it unless they have a license from the State of NH and have a special endorsement put on their insurance policy which is expensive. The DES representative indicated that most small shops, if they aren't generating a minimum of 600 gallons of waste oil in a calendar year, do not find it practical to make the investment to put in their own used oil furnace. Oil is considered to be a hazardous waste. Mr. White asked Mr. Neill to give him the contact information. Mrs. White pointed out that they will get information on companies that will pick up the used oil. Mrs. Cargill noted that in the spring time they have a weight limit on the road and it is posted. Mr. Neill said these companies know the restrictions.

Mr. Neill asked if the big trucks will come in here and will he store their big tires. Mr. White said he may have dump trucks coming in. Mrs. White explained that they live there and have only one lift so they will not be stock piling items.

Mr. Bruno moved to grant approval for the Shilo White application with the conditions that he meet all State environmental regulations regarding the handling and disposal of fluids and other related waste items and that there be no external storage of any materials. There will be no more than three non-personal vehicles on the exterior property at one time. Mr. Jenkins requested an amendment that if plumbing is installed in the garage that it be connected to a State approved septic system. Mr. Neill added that there be no on street parking on Wheeler Rand Road. Mrs. Smith-Hull seconded the motion. With six members in favor, the motion was approved. Mrs. Smith-Hull was opposed to the motion.

PLANNING & POLICY ISSUES:

Sign Regulations: Mr. Edkins knew this meeting would be lengthy therefore he was not prepared to discuss the Sign Regulations.

ADMINISTRATION & CORRESPONDENCE:

NHMA 2013 Municipal Law Lecture Series: Mr. Bruno is interested in attending the lecture in Grantham. Mr. Edkins asked anyone that wants to attend to email him and he will see that they are registered.

Next Meeting: Mr. Edkins advised that during the next Planning Board meeting on September 17th Champlain Oil Company will be back. There will be a preliminary consultation on the Dollar General Store and there is an application for a four-lot Subdivision on Morningside Lane. Mr. Jenkins noted that he will not be able to attend this meeting.

ADJOURNMENT:

There being no other business, Mrs. Smith-Hull moved to adjourn this meeting. Mr. Thibodeau seconded the motion. With seven members in favor, the motion was approved. The time was 9:17 PM.

Respectfully submitted,
Regina Borden, Recording Secretary

Minutes Filed: 09-10-13

(Note: These are unapproved Minutes. Corrections, if necessary, will be found in the Minutes of the September 17, 2013, Planning Board meeting.)