

**MINUTES  
CHARLESTOWN PLANNING BOARD  
NOVEMBER 18, 2014**

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

Alternates Present: John Bruno

Staff Present: David Edkins – Administrator  
Regina Borden – Recording Secretary

**CALL TO ORDER & SEATING OF ALTERNATES:** Mr. Frizzell called the meeting to order at 7:00 PM. He noted that the full Board was present therefore there was no need to call upon an alternate member. Mr. Frizzell advised that meetings are tape recorded and asked anyone wishing to speak to identify themselves for the record.

**APPROVAL OF MINUTES OF NOVEMBER 4, 2014:**

**Mr. Thibodeau moved to approve the Minutes of the November 4, 2014, meeting as presented. Mr. Lincourt seconded the motion. Mr. Lincourt advised that on page 3, eighth line, “State Preservation Commission” should be changed to “NH Preservation Alliance”. With seven members in favor, the Minutes were approved.**

**SHILO WHITE – Sign Permit – 14 Wheeler Rand Road – Map 213, Lot 59 – Zone E (Mixed Use):** Mr. Edkins advised that this application was tabled at the last meeting at the applicant’s request. Heather and Shilo White are present tonight. Mr. Thibodeau asked how far off center line of Route 12 is the sign. Mr. White responded about 85-feet. Mr. Edkins pointed out that the PB approved the Stoddard sign in 2011. Mr. Thibodeau mentioned that this sign will be 64 square-feet which is larger than allowed unless the distance from the center line of the road is greater than 150-feet. Mrs. White stated that this sign is off Route 12 and Wheeler Rand Road. Mr. Edkins clarified that their property fronts on the Route 12 right-of-way because the green area between Wheeler Rand Road and Route 12 is a part of the Route 12 right-of-way. Mrs. White mentioned that Mr. Grenier, State Department of Transportation, measured the distance for them. Mr. Edkins scaled it off as 180-feet from center line of Route 12 to where the sign is. Mrs. Francis read a section of the sign regulations relative to the ability to read a sign going by at 50 MPH. She stated that Mr. White is in two situations; people that see the auto sign will turn off onto Wheeler Rand Road where they can stop to read the whole sign. He falls into both categories. Mr. Lincourt has no problem with the verbiage however he paced the area and does not think it is 150-feet. Mr. Edkins displayed his calculation on the map. Mrs. White said none of their customers have complained about the sign. Mr. Edkins has not had any complaints other than they put the sign up before they got the permit. No abutters were present.

**Mrs. Francis moved approval of the Sign Permit as presented by the White’s for their auto repair business. Mr. Thibodeau seconded the motion. With seven members in favor, the motion was approved.**

**PLANNING & POLICY ISSUES:**

**Building Code:** Mr. Edkins had included copies of the current Building Code in the PB packets. It refers to the wrong code by reference; they need to refer to the State Building Code as may be amended from time-to-time. Ms. Chaffee had a conversation with Mr. Jon LeClair, Building Inspector, and his suggestion was to make it a little more generic and to follow the State Building Codes. Mr. Edkins advised that the State Building Code states that if a town is going to enforce a building code it has to be the State Building Code. They cannot dilute the terms of the State Building Code; it can be more restrictive but cannot less restrictive than the State Building Code. It can be adopted in the same way as zoning is in that the PB holds the hearings and then it goes before the voters. The State Building Code adopts the International Building Code which is no longer BOCA. Mr. Thibodeau mentioned that everything is IBC now. The codes change every three years. Mr. Edkins feels they should replace the codes with the NH State Building Code as specified in the RSA as may be amended from time-to-time. Mr. Edkins feels that if he, Mr. LeClair and Ms. Chaffee meet they can put something together. If the voters vote the new Building Codes down the Town is still obligated to go by the State Building Code by State Statute. Relative to the Fire Department, Mr. Edkins pointed out that the Selectboard had changed the Building Permit process to the point where Building Permits are supposed to be reviewed by several Town staff people but unfortunately that has not been implemented yet. However they do have a new Building Permit form where the applicant has to get sign-offs from the Fire Department, Police Department and Water & Wastewater Department. Ms. Chaffee noted that Mr. Bud Von Ahnen was appointed to do the fire inspections under Fire Chief Stoddard so technically Mr. Von Ahnen is doing them for the Fire Department. Mr. Edkins mentioned that the code should reflect what they are actually doing.

**Historic District Ordinance:** Mr. Edkins reported that there have been changes to State Statute regarding how these ordinances have to be adopted. This ordinance is considered a type of zoning ordinance under the statutes. A new one was passed last spring that states when they have zoning amendments or ordinances that are being put forth if they change the rules for 100 or fewer properties in town that each of the property owners that would be affected by it have to be notified by regular mail so they will have to put that list together. The Historic District Commission has been holding some round table meetings and they have invited everyone in the districts to come in and participate; 12 to 15 people have attended those meetings. Their meeting for tomorrow night has been cancelled.

Mrs. Francis mentioned that after the last PB meeting when so many issues were raised she had started a list that has grown. There are several things that the PB will have to do including revising the Master Plan and adding something to the Site Plan regulations. Mrs. Francis distributed copies of the list. She went to the two sessions since the last PB meeting. The commission is going ahead with a model ordinance. After the first meeting Mrs. Francis talked to Mr. McClammer who had some concerns so they wrote a set of guidelines and brought it to the last meeting. Mr. Frizzell feels it is important that the voters know what the regulations are before they vote in the ordinance. Mrs. Royce went to the last meeting when there was a discussion over the definition of ordinance vs. regulations.

Mr. Edkins pointed out that his question for the attorneys is that the Historic District Commission puts the ordinance together but it is PB that holds the Public Hearing; the statute

then says that the PB must then determine the final form of the ordinance that will go before the voters. Can the PB then say this is not ready for prime time and we are not going to put anything before the voters? Mr. Neill said they need to make the Commission understand that they are not ready but need to continue working on it and get some of these issues behind them. Mr. Edkins said the other concern that has been raised is there appears to be some over-lapping authority in cases of Site Plan Review between the PB authority and the Historic District Commission's regulations. His suggestion to them was that maybe the commission should take the time to develop the regulations that they intend to adopt before the ordinance is adopted so people will know about the whole package. This ordinance will be voted on by the voters of the entire Town but it will only affect 60-or-70 property owners. The Ordinance would be subject to a Protest Petition which says if the owners of 20% of the properties that the ordinance will affect submit a Protest Petition seven days prior to the vote then it will require a two-thirds majority vote to pass rather than a simple majority. Mrs. Francis would like to see the Historic District Commission have a role that would be partly regulatory and partly information and education. Mrs. Royce asked if it would be worth passing on to the Town Attorney the question of can there be ordinance and regulations considered at the same time and brought to the voters at the same time. Mr. Edkins advised that ultimately it is the Selectboard who authorize contact with the Town attorney. He has been consulting with the legal services staff at the NH Municipal Association but at some point they may need to get the Town attorney involved. Mr. Thibodeau feels this is important so they need to put it all together because it cannot be done piece-meal.

**ADMINISTRATION & CORRESPONDENCE:**

**Enforcement:** After the last meeting Mr. Edkins made a copy of the Dollar General Store approval, highlighted that there would be no outside displays and took it to the Manager; he understands the store has stopped displaying the merchandise outside.

**Next Planning Board Meeting:** Mr. Edkins advised that there are no new applications for the next PB meeting scheduled for December 2<sup>nd</sup>, 2014.

**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 meeting was adjourned at 8:16 PM.**

Respectfully submitted,  
Regina Borden, Recording Secretary

Minutes Filed: 11-24-14

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