

**MINUTES  
CHARLESTOWN PLANNING BOARD  
NOVEMBER 4, 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 – Planning & Zoning 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 SEPTEMBER 16, 2014 and OCTOBER 21, 2014**

**Mr. Thibodeau moved to approve the Minutes of the September 16, 2014, meeting as presented. Mrs. Smith-Hull seconded the motion. Mrs. Royce advised that at the bottom of page 3, last sentence; delete the word “have”. Mr. Lincourt mentioned that on page 1, second to the last line, last word, change “now” to “not”. On page 3, first paragraph, third line from bottom, change “plain” to “plane”. With six members in favor, the Minutes were approved as corrected. Mr. Neill abstained as he was not present at this meeting.**

**Mrs. Smith-Hull moved to approve the Minutes of the October 21, 2014, meeting as presented. Mr. Neill seconded the motion. With five members in favor, the Minutes were approved. Mr. Thibodeau and Mrs. Royce abstained as they were not present at this meeting.**

**SHILO WHITE – Sign Permit – 14 Wheeler Rand Road – Map 213, Lot 59 – Zone E (Mixed Use):** Mr. Edkins spoke to Mrs. White after the last meeting and explained that the proposed sign has a lot of verbiage for someone to read as they are driving by. Mr. White is quite insistent that this is what he wants on the sign. He talked to his attorney and wants one or more of the PB members to recuse themselves because he feels there is some prejudice there. He has asked that the application be deferred / continued to the next meeting.

**Mrs. Royce moved to table the application for a Sign Permit for Shilo White until the next meeting on November 18, 2014. Seconded by Mrs. Francis.**

It was noted by PB members that Mr. White has another sign advertising the sale of tires and he has a car parked in the Right-of-Way.

**With five members in favor, the motion was approved. Mr. Lincourt and Mr. Neill were opposed to the motion.**

**PLANNING & POLICY ISSUES:**

**Historic District Ordinance:** Mrs. Joyce Higgins, Chair of the Charlestown Heritage and Historic District Commission, and commission members Ms. Joanne Hipp and Mr. Duane Wetherby were present. Mrs. Higgins wanted to keep the PB members up-dated on their progress. They have been hosting round table discussions twice a month; two in October and they will be doing two in November. A group of 12-to-15 people have been attending; it is a good selection of people with different concerns. They have been working on the Ordinance and have made minor changes to the sample ordinance that they were given; she will be bringing that in after the changes have been made. At that time she hopes the Town attorney can look at it and provide a legal opinion. Some words have different legal meanings so it should be reviewed. The original document Mrs. Higgins distributed had the Historic District defined by lots and their numbers but Mr. Edkins did not feel that was a good way to do it so he is going back to over-lay the Historic District map onto the Zoning map. In doing that they discovered there were three buildable lots on Main Street that were not included in the National Register District either because they did not have houses on them or because there was a barn on a lot but no building. They will be taking in those vacant buildable properties. The other question that came up was whether or not Mr. Spilsbury's house across Paris Avenue was or was not in the National Historic Register District because the copy that Mrs. Higgins has did not have it in the text. Mr. Edkins explained that there are two different copies of the nomination in the file; two different versions. Mrs. Higgins pointed out that that was 30 years ago; they also realized that the numbering on the map did not match the numbering on the text. Mr. Edkins will continue to work on the maps until he, as Zoning Administrator, and the Historic District Commission are comfortable with it.

Mrs. Royce asked if the Cartographic fees for the mapping will come out of this year's budget. Mr. Edkins said they will come out of this year's Heritage Commission budget; they set aside \$500 for the map overlay. The North Charlestown map should be a lot simpler because there are dimensional descriptions of the lines. Mr. Bruno felt they should be whole properties rather than a portion of them. Mrs. Higgins said any kind of zoning has been difficult in Charlestown and this was done at a time when they were first trying to get the zoning in. That is why she believes the map was drawn around the contributing houses. Another problem is that Charlestown, being the old town that it is, originally had very long, narrow lots that ran from Main Street to East Street but now very few of those lots still run that far. A part of this is due to the fact that in New Hampshire they only put something on the National Register if it has a building on it; it is the building that is important. Mr. Bruno felt this could go beyond the National Register. Mrs. Higgins noted that they are not interested in doing that because it could make things more difficult. Mr. Edkins pointed out that they were going to add a couple more buildings on South Main Street that were not included in the National Register; a couple qualify but one does not. Mrs. Higgins advised that they hired someone to enlarge the few pictures of houses that they have. She prefers to say the original National Register plus the three properties rather than add them to the National Register. Mr. Edkins will have the draft map ready for the next PB meeting and then it will be passed onto the mappers. They will continue to work on the Ordinance.

Mr. Neill asked at what point are they talking about going to Town counsel. Mrs. Higgins said when the ordinance is in the form they want to present to the voters. Mr. Neill asked where the money is going to come from for the legal advice. They are getting close to the end of the year and the bottom line is going to be tight. Mrs. Higgins pointed out that they did not plan on this expense because this was not voted in until last March; their concern was to get the Ordinance ready for the voters. Mr. Neill asked if there was a rush to have this go to the voters next year as opposed to waiting another year. Mrs. Higgins felt the voters would prefer not to wait two years but it is a Selectboard decision. Mr. Lincourt questioned if the State Preservation Commission might be willing to review it. Mrs. Higgins will ask them. Mrs. Royce asked Mr. Neill if the entire Warrant goes before Attorney Fulton each year. Mr. Edkins responded that it does; the attorneys would review the Warrant Articles but it would not contain the entire Ordinance. The PB holds the Public Hearings on this; it is the PB that determines the final form of the Ordinance. Mrs. Higgins would like Mr. Edkins to review the RSAs because they state there has to be a separate piece of paper (ballot). Mr. Edkins pointed out that the entire Ordinance needs to be placed on file with the Town Clerk Office and needs to be posted at the polling place on the day of the vote. Mrs. Francis read the RSA; the RSAs are very clear. All the issues need to be worked on so voters will approve it. She asked how they could form an official relationship between the PB and the Historic Commission in terms of the Site Plan and putting language in their Ordinance. The PB could amend their Site Plan Ordinance; this is an option to consider. There was discussion relative to joint meetings between the PB and the other land use boards in Town. Reference was made to RSA 676:2. It spells out that both the Historic District Commission and the PB would have to develop procedures for joint meetings. Mrs. Higgins called both the NH Preservation Alliance and the NH Division of Historic Resources regarding the question of could some of the regulations be included in the Ordinance to make it clearer and they both said “no”. Adopting regulations after the fact is an issue. Mr. Bruno pointed out that the voters either trust the Historic District Commission or they do not vote to give them the authority to adopt the regulations. Mr. Edkins noted that the Town Meeting gives the PB the authority to regulate subdivisions but, once that happens, the content of the subdivision regulations is up to the PB.

Mrs. Higgins was told by various historical organizations and the Office of Energy and Planning that there are three main types of demolition as follows: 1) The property owners could not do any demolition for 30-to-90 days (or whatever date is chosen) to allow the Historic District Commission to try to find some other way to handle it; 2) To say that the property owners have to come to the Historic District Commission and present their case as to why the building should be torn down; and 3) The Historic District Commission will not allow the building to be demolished until they approve the plan about what will replace it. Mr. Bruno asked if somebody has a Purchase and Sale agreement to develop a piece of property how can the Commission say they need 30-to-90 days to find another buyer. Mrs. Higgins said this is one of the main ways of saying “let’s talk about doing this”; it is preservation. Mr. Edkins mentioned a “Demolition Delay Ordinance”; it cannot prevent demolition. The Commission cannot say a building cannot be demolished but they can say it will give them time to think about alternatives. Relative to demolition, a concern of Mr. Edkins is the historic structures that have fallen into significant disrepair; the Town can order an owner to either repair it or to demolish it. Under this situation that owner would have to go to the Historic District Commission to get their approval yet it was ordered by the Town. Another option is that the Historic District Commission require the owner

to provide them with a plan of what they intend to do with the property after the demolition. There are more properties on North Main Street that have potential for possible commercial use than on South Main Street.

Mr. Edkins' question is if the PB can decide after the Public Hearings that they do not want to put this on the Warrant. The other issue he inquired about at the NH Municipal Association is that this Ordinance would be voted on by the entire Town, not just the people that are directly affected by it. There is a provision in the statutes that specifically applies to Historic District Ordinances and a "Protest Petition". If the owners of 20% of the properties affected by the Ordinance submit a Protest Petition at least a week before the vote it would require a two-thirds vote as opposed to a simple majority to approve the Ordinance. Responding to a question by Mrs. Francis about the relationship between the Site Plan Review and this Ordinance, Mr. Edkins has the book by Peter Laughlin entitled "Planning and Land Use Regulations in New Hampshire" that he refers to; it is a legal treatise on how the statutes should be interpreted. This book is up-dated every year. There is a chapter (34:16) on Historic District regulations that he shared with Mrs. Higgins; it has a chapter on streetscape. Mrs. Higgins pointed out that although there may be a small amount of over-lap they are not looking at the same things the PB is looking at. As an example – they are not looking at signs for size but rather whether it is appropriate for the Historic District. Mr. Edkins mentioned a concern with regard to the streetscape issue; trees, fences, etc. With buildings somebody has to come in to get a Building Permit or a Demolition Permit but if somebody wants to cut down a tree in their front yard they do not need a permit at all; there is no trigger to notify the Historic District Commission. Mrs. Higgins advised that they do not want to be concerned with an owner's private land. Ms. Chaffee feels the Building Code Ordinance needs to be fixed prior to a new Ordinance that affects the Building Code Ordinance. Mr. Edkins clarified that the building codes in place now are unenforceable. The State now says they need to enforce the State building codes that are the IBC. It could be more restrictive than the State codes but could not be less restrictive. The PB would initiate it, hold the Public Hearings but the voters would have to adopt it. Mrs. Higgins noted that when a property changes hands in the Historic Districts the Historic District Commission needs to be informed so they can send the new owners this information. They all agree they would like to see Main Street looking nice and historic. When they lose this they have lost a lot of what Charlestown is known for. The most historic part that is left is from the Unitarian Church down to the south end of Main Street. In mid-January the PB would have to hold the first Public Hearing and, if a second one was necessary, it would have to be held during the PB second meeting in January. Mrs. Higgins advised that the commission would like to send out a survey but because that would be expensive they will ask the Selectboard if they can be sent with the Inventory forms. This is still a work in progress.

**ADMINISTRATION & CORRESPONDENCE:**

**Enforcement Issues:** The following enforcement issue was mentioned: 1) The Dollar General store needs to be reminded that they should not have any outside displays of merchandise.

**Building Codes:** The PB will continue to discuss possible changes to the Building Codes during the November 18<sup>th</sup> meeting.

**Charlestown Planning Board Minutes – November 4, 2014 – Page 5**

**Next Meeting:** The next Planning Board meeting is scheduled for November 18, 2014, at 7:00 PM.

**ADJOURNMENT:**

**There being no other business, Mrs. Royce moved to adjourn this meeting. Mrs. Smith-Hull seconded the motion. With seven members in favor, the meeting was adjourned at 8:39 PM.**

Respectfully submitted,  
Regina Borden, Recording Secretary

Minutes Filed: 11-10-14

**(Note:** These are unapproved Minutes. Corrections, if necessary, will be found in the Minutes of the November 18, 2014, Planning Board meeting.)