

**MINUTES
CHARLESTOWN PLANNING BOARD
DECEMBER 16, 2014**

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

Alternates Present: John Bruno

Staff Present: David Edkins – Planning and 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 regular members, Rose Smith-Hull and Roger Thibodeau, were not present therefore called upon alternate member, John Bruno, to sit on the Board for Mr. Thibodeau. 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 18, 2014:

Mrs. Royce moved to approve the Minutes of the November 18, 2014, meeting as presented. Mr. Lincourt seconded the motion. With six members in favor, the Minutes were approved.

PLANNING & POLICY ISSUES:

Building Code: Copies of the current Building Code with edits made by Mr. Edkins had been distributed. Prior to this Jon LeClair, Building Inspector, and Patty Chaffee, Code Enforcement Officer, did a preliminary review and made recommendations. Some sections were lined out and the bold wording is being proposed as changes/additions.

Mr. Edkins advised that 7.1, Authority/Purpose, 7.2, Definitions, and 7.3 General Provisions have not been changed.

7.3 – GENERAL PROVISIONS:

7.3.1 – Permit Requirements and Application Procedures:

First line – delete the “or” between “maintenance and replacement”.

Second line – there should be a period after “building”.

Second line – they deleted “or any new construction of less than 151 sq. feet, or substantial improvement of 50% of the total area shown on the town tax card for the year the work is being done, even though some paragraph or code may require it.” This does not require a Building Permit but property owners are asked to submit one to keep the tax records current. Any structure should get a permit as it lets the Town know it is there.

Fifth line – cross out “A.B.C.D.E.F.”

Sixth line – change “your” to “the annual” Town Inventory. Delete “A person may get a permit if they choose” because now it is required.

There was discussion relative to confusion when people fill out the Inventory forms; if they have or do not have a Building Permit they should still put the information on their Inventory form.

7.3.2 – Requirements for a Completed Application:

First Paragraph:

First line – delete “new” and “over 150 sq. feet or substantial improvement of more than 50% of the living area as shown on the town-tax card of the year the work is being done”.

Second Page:

First line – add “or renovations” prior to “in the Town”.

Fourth line – delete “in duplicate”. The Building Inspector only requires one set of plans that he keeps on file. Mr. Neill feels the property owner should submit two sets of plans so one set can be given to the contractor as he should know what has been approved and is on file with the Town. Mr. Bruno agreed that two sets of plans should be submitted with the Building Permit. It was agreed to “require two sets of plans. One set of approved plans need to be picked up by the applicant prior to commencing construction”. This change will also be put on the Building Permit.

No. 2 – change “regulations” to “permits”.

No. 4 – after “approved Town” add “or State road”.

7.4 ADMINISTRATION:

7.4.1 – Action on Application:

First Paragraph:

First Sentence: after “approve” add “or disapprove” a building permit.

Second and Third lines – delete last sentence.

Third Page:

First paragraph:

First line – at end after “approve” add “or disapprove”.

Add sentence at end of paragraph: “If a permit is disapproved the reason therefore shall be conveyed to the applicant in writing”.

7.4.2 – Compliance with other Ordinances and Regulations: No changes.

7.4.3 – Enforcement: No changes.

7.4.3.1 – Building Inspector: Mr. Edkins noted that the Building Inspector is paid from the General Fund and not from fees collected as a result of permits issued. It was agreed to delete the last sentence.

7.4.3.2 – Fees:

First line – after “by an” add “application and inspection”.

7.5 – CONSTRUCTION REGULATIONS:

7.5.1 – Conformance with National Codes:

Second line – delete “the following, most recently adopted, National Codes, which are hereby adopted by reference, excluding any penalty clauses contained therein, each as

amended/supplemented thereafter.” And replace it with “New Hampshire Building Code and the New Hampshire Fire Code as defined in RSA 155-A and as may be amended from time to time.” Delete “a, b, c, d, e, f” the entire sections that are on pages 3 and 4.

Second paragraph – Change paragraph to read “The Building Inspector shall provide all Building Permit applications for commercial, industrial and multi-family structures to the Fire Department and requests for certificates of occupancy to determine conformity with the New Hampshire Fire Code as defined in RSA 155-A and shall file a written report with the Building Inspector. In addition, the Fire Department shall make inspections to investigate any claimed violations of the New Hampshire Fire Code and shall file a written report with the Building Inspector.” Mr. Edkins will edit the introduction to this section. The revised Building Permit form requires a sign-off by each department but that has not yet been used. As a result some things have fallen through the cracks. For example: if a Site Plan Review application is received for a use that uses water and chemicals are involved they need to have a back flow device installed in their plumbing system. Mr. Neill noted that the Selectboard will talk to Mr. LeClair, Building Inspector, and Mr. Bud Von Ahnen, Deputy Building Inspector, to state that they are not to sign-off on a Building Permit until the form is completed by the departments. Mr. Bruno goes back to 7.4.1 and his concern of 15 days for a major project; it is not sufficient. Thirty days is not unreasonable. Mr. Frizzell pointed out that if 15 days is not enough the applicant can ask for an extension. Following a discussion it was agreed to go to 30 days.

7.5.2 – Modifications: No changes.

7.5.3 – Exceptions to National Code Requirements:

First paragraph – change “BOCA” to “New Hampshire Building Code and New Hampshire Fire Code”.

7.5.4 – Certificate of Use and Occupancy:

First paragraph: Change “BOCA” to “New Hampshire Building Code and New Hampshire Fire Code”. There was discussion regarding a Certificate of Occupancy and if the word “shall” be changed to “will”; it was agreed to leave this wording as is.

7.6 – APPEALS, FINES, PENALTIES:

7.6.1 – Building Code Board of Appeals:

Second Paragraph:

First Line: Change “taken” to “filed”.

Last Sentence: The following wording was deleted on the draft but Mr. Edkins needs to research whether that is a requirement by State law; “except that no notice will be given to abutters”.

7.6.2 – Fines and Penalties: No changes.

Ms. Chaffee asked if there are ways to have a fine at the local level. Mr. Edkins thought there was an RSA that allows for local fees without going to court.

7.6.3 – Adoption/Amendment:

Add at bottom of page “On March 10, 2015, the Town Meeting amended the Building Code, in order to adopt by reference the New Hampshire Building Code and New Hampshire Fire Code as defined in the RSA 155-A.”

Page Six:

First paragraph: Add last sentence “Any such amendments shall be consistent with the requirements of the New Hampshire Building Code and New Hampshire Fire Code.”

7.6.5 – Conflict with Other Regulations:

First paragraph, second line – delete “the more restrictive” to “that which imposes the higher standard”.

7.6.6 - Effective Date: No change.

7.6.7 – Certification:

Second line – delete “March 9, 1999 and amended through the Annual Town Meeting held on March 13, 2001” to “March 10, 2015.”

Mr. Edkins advised that copies (cc) have to be provided by State Statute to: 1) Upper Valley Lake Sunapee Regional Planning Commission; 2) NH Office of State Planning; and 3) Charlestown Building Inspector.

Mr. Edkins will make the revisions and talk to the Building Inspector about the Building Code. A Public Hearing will have to be held and the Building Inspector will be invited to attend. If the first Public Hearing was held on Tuesday, January 6th, 2015, that gives them enough time to hold a second Public Hearing on Tuesday, January 20th, 2015, if substantive changes are made. Then the PB determines the final form that will be submitted to the voters.

Historic District Ordinance: Copies of the Charlestown Historic District Ordinance (Proposed) December 2014 had been distributed.

Mrs. Royce noticed a change in the last sentence under “B” tax number of 119-30 has been changed to 119-27 in this revised copy. Mr. Edkins pointed out that one of his issues is how they are going to define the boundaries of the district. This document talks about map and lot numbers but Mrs. Higgins wants to use the National Register Historic District Map that has lines but no definition of where those lines are. Mrs. Royce felt they could refer to Cartographics for an overlay. Mrs. Higgins added two lots to the district: 1) wooded lot on the southeast corner of Main and Paris Avenue; and 2) the lot on the north end corner of Bridge and Main Street.

Mrs. Francis went to the CHDC meetings on this ordinance. There is not a single item in the draft ordinance that is the result of suggestions of the public. She finds the lack of receptivity to the concerns of the people in the community troubling. Mr. McClammer and she were at one of the working sessions and as a result of their discussion Mrs. Francis wrote the “Proposed Revision to Historic District Ordinance” dated December 16, 2014, as a way of starting to work on what might be appropriate to include. Copies were distributed. Mrs. Francis read and reviewed the four sections that included: 1) Purpose; 2) Powers and Duties; 3) Criteria for Historic District Commission Review; and 4) Additional Comments on Commission’s Proposal. Purpose: Mrs. Francis does not think that the commission is ready to have a parallel set of regulatory responsibilities to go to the PB. It would be good if they could advise the PB but they

are not ready for that level of responsibility at this time. Mrs. Francis suggested that applicants are going to be better served if they go to one Board rather than two.

Powers and Duties: The CHD should provide information to property owners and the public about historic and architectural attributes of the district and about restoration of historic properties. They have the opportunity for an educational role as well as the regulatory role. They should develop and adopt regulations that address procedures for issuing a certificate of approval before a building permit is issued in the historic district and develop and adopt regulations that address procedures for issuing a demolition permit if warranted in the historic district.

Criteria for Historic District Commission Review: Mrs. Francis read Nos. 7, 8 and 9. She pointed out that it is the voters of Charlestown saying these are the Criteria they want the commission to follow but not necessarily their personal opinion about a property owner or whatever else might influence their decision. Whatever happens with the ordinance is the only chance the other people in Town will have to influence this commission. No. 3 was noted as it mentions solar collectors, their locations, etc. Mr. Neill pointed out that there has been low participation at the meetings yet notices were sent out. Mr. Edkins heard from people, especially those that own property in the district that they want to know what the final package of regulations / criteria would be. Mr. Frizzell mentioned that some people on Main Street have taken care of their properties while others have not; it has been an on-going issue. Mrs. Francis feels that Definitions should be at the end. It is not clear if the CHDC will be authorized to regulate the streetscape. It would be better to have the PB handle this. Mrs. Royce mentioned on page 3, No. 11, Reconstruction, the CHDC eliminated the word “salvaged” but under No. 14 they added “re-use of original windows and ornamental details” etc. In No. 11 they are stating that one cannot use salvaged material; it is confusing. Mr. Edkins does not think it means that they cannot use salvaged materials. Mrs. Royce pointed out that the CHDC excluded “sidewalks” but it was replaced with “walkways”. Under Enforcement there originally was reference to one RSA but now there are two RSAs.

Mr. Edkins stated that under the statutes if this ordinance is to be put before the voters the PB has to hold one Public Hearing but if substitutive changes are made they will have to hold a second Public Hearing. There is time in their meeting schedule for two Public Hearings if they schedule the first one for Tuesday, January 6th, 2015. After the Public Hearing(s) the PB would vote to determine the final form of the ordinance. He talked to an attorney at the NH Municipal Association today who advised that the authority to determine the final form of the ordinance includes the authority for the PB to say they do not feel it is ready to go before the voters. If the PB decides to hold a Public Hearing they have to notify, by regular mail, every person whose property would be affected by this ordinance; that is 65-or-70 mailings. This mailing will include a copy of the ordinance.

Mrs. Royce stated that people want to have a combination of the ordinance and the regulations. We are all reluctant to vote something in that could be negative. She asked if it would be legal to incorporate the regulations and the guidelines into the ordinance. People would be more apt to vote affirmatively. Mr. Edkins mentioned that this ordinance will be voted on by all the voters but yet apply to about 60-to-70 properties. Mr. Edkins said a better map would be useful because there is a provision in the statutes for Protest Petitions; if one is filed seven days before

the actual vote that is signed by the owners of 20% of the properties to be affected, it would require a two-thirds vote as opposed to a simple majority vote to adopt it.

Mr. Bruno felt it would behoove the members to have a Public Hearing. If they cannot incorporate the regulations in with the ordinance the CHDC could prepare a draft regulation that would say this is what they would adopt if the ordinance is adopted. If the PB decides not to put this forward for a vote and they have enough public input concerns about it that would give the PB a stronger basis for putting this off. A majority of the PB members felt this ordinance is not ready to go before the voters and there needs to be more interaction between the PB and CHDC. Mr. Frizzell would preside over the Public Hearing but the responsibility to explain the ordinance and answer questions / objections will be with the CHDC; the PB would have an opportunity for input. After hearing all the input the PB would make a decision on how they wish to proceed. If the Public Hearing is held on January 6th and, if they are going to make changes, the document would need to be ready by January 10th so they can notice another Public Hearing on January 20th. Possibly drafting an alternative ordinance was discussed however it would not be workable due to time constraints.

Mr. Edkins will send Mrs. Francis's comments to Mrs. Higgins tomorrow. He will make Mrs. Higgins aware of the fact that the PB members have strong reservations on the ordinance as written but they agreed to hold the Public Hearing on January 6th, 2015.

ADMINISTRATION & CORRESPONDENCE:

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

ADJOURNMENT:

There being no other business, Mr. Bruno moved to adjourn this meeting. Mrs. Royce seconded the motion. With six members in favor, the meeting was adjourned at 9:40 PM.

Respectfully submitted,
Regina Borden, Recording Secretary

Minutes Filed: 12-29-14

(**Note:** These are unapproved Minutes. Corrections, if necessary, will be found in the Minutes of the January 6, 2015, Planning Board meeting.)