

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

Members Present: Robert Frizzell (Chair), Sharon Francis (Vice-Chair), 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. Mr. Steve Neill is not present but, as an Ex-Officio member, he cannot be replaced with 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 2, 2014:

Mr. Thibodeau moved to approve the Minutes of the September 2, 2014, meeting, as printed. Mrs. Smith-Hull seconded the motion. Mrs. Francis noted that in the middle of page 3, the sentence “Mr. Bruno *added* and to add a photograph” it would have been better to state “Mr. Bruno *requested* adding a photograph”. Mr. Lincourt advised that on pages 1 and 3 there are spelling errors in that “Angelicant” should be corrected to “Anglican”. With all in favor of the motion and amendments, the Minutes were approved.

SMALL FAMILY REVOCABLE TRUST (LARRY & DONNA SMALL, TRUSTEES) – Two (2) Lot Subdivision – 96 James Street – Map 112, Lot 13, Zone A-1 (Rural Residential): Mr. Aurelius DiBernardo, surveyor with DiBernardo and Associates, LLC, represented the applicant. He explained that the applicant would like to subdivide this property into two parcels. Lot 1 would be 15,510 square feet (.36 acres), includes the house and has 146.04 feet of frontage. Lot 2 would be 49,522 square feet (1.13 acres), includes the garage and has 143.96 feet of frontage. These were three lots that were deeded in the 1940s and were a part of the Riverview Park Subdivision (Lots 7, 7A and 8). Mr. Small would like to sell off the small lot and keep the rest of the property intact. Mr. Edkins advised that this meets the requirements of the regulations; all the abutters were notified by certified mail. It was published in the newspaper and posted in the customary locations.

Mrs. Francis asked about the boundary on Lot 1; it is irregular so she wondered if there is any way to make it a straight line. Mr. DiBernardo said “no” because of the set-backs for the house. They want to be sure this is approved before they put in the markers. Mr. Edkins explained that for some unknown reason the tax mappers combined the 3 lots together. It is all shown as one lot of record on the tax maps although the Deeds show it as three separate lots. Mr. Lincourt asked if there is a driveway going to the garage. Mr. DiBernardo said there is but he did not show it on the plan. Mrs. Royce noted there is water and sewer going to the parcels.

Mr. Brian Livermore, an abutter, asked how this will affect the right-of-way behind the garage. Mr. DiBernardo stated that it does not affect it. Mr. Livermore understands the garage is going to be developed into an apartment. Mr. Small said there is the possibility that he will put in a unit but the building is empty at this time. The right-of-way was deeded 100 years ago; it takes a portion of his land and a portion of the Livermore land. The entrance is off the property that Livermore owns; it goes down in back of the Livermore house and comes out in the back of the Small land. Mr. Livermore seems to have an objection for anyone to use it but it is a deeded right-of-way. Mr. Frizzell pointed out that a deeded right-of-way has to be honored. Mrs. Francis asked if the right-of-way should show on this plan. Mr. DiBernardo said it is actually on the Livermore property; it crosses the Small property on the corner of Lot 8A. Mr. Edkins clarified where the right-of-way is on the tax maps; it shows as being a part of Mr. Small's property but there is no record in the chain-of-title that Mr. Small owns it. Mr. Small intends to file a Petition to Quiet Title for a triangular piece of the parcel which shows on the maps but for which no chain of title can be located. Mr. Frizzell noted that no other abutters were present.

Mr. Frizzell felt there should be a copy of the Driveway Permit for the record and it should be on the plan. Mr. Bruno pointed out that "OT Douglas Street" should be "Douglas Street".

Mrs. Royce moved to accept this application for a two lot Subdivision on James Street for the Small Family Revocable Trust as complete subject to the designation of the driveway on the map. Mrs. Francis seconded the motion. With six members in favor, the motion was approved.

Mr. Edkins advised that this will be on the next Planning Board Agenda for October 7th. He asked Mr. DiBernardo to submit three paper copies of the new plan with the driveway and ten reduced copies of the plan (11" x 17") that will be included in the next PB packets.

PLANNING & POLICY ISSUES:

Heritage/Historic District Commission: Mrs. Joyce Higgins, Chair of the Charlestown Heritage and Historic District Commission submitted her letter regarding the "Proposed Historic Districts in Charlestown", dated September 15, 2014, to the Members of the Planning Board. She also submitted a proposed first draft copy of the "Charlestown Historic Districts Ordinance". The Ordinance would need to be approved by a vote at Town Meeting in March. Mrs. Higgins advised that the voters had approved the formation of the Historic District Commission (HDC) at the last Town Meeting. The committee has been working hard to do what it needs to do in order to move this along. The first thing that the NH Division of Historic Resources wanted them to do was to update the information on both Historic Districts and they have done that. They walked the districts, noted any and all changes that have been made to the buildings since those districts were created. North Charlestown was done in 2005; Main Street goes back to 1987. They have done different lists that the State wanted done to go along with the research. All of this will be available at the Public Meeting next Thursday, September 25th in the Community Room. Mary Kate Ryan from the Division of Historic Resources will give an overview on Historic Districts in New Hampshire. They will have copies of the proposed Ordinance as hand-outs. This sample Ordinance was developed by the NH Preservation Alliance. The Commission has done some changes but anything can be changed as this is a rough draft. The bold print is not a part of the Ordinance per se. They need to have the ordinance approved before they can get

into regulations. The things that would be in the regulations are in bold. The regular print is the ordinance itself. One question that came up was whether or not if they have two Historic Districts do they have to be exactly under the same rules. North Charlestown is a rural district with no business district; Main Street has a business district. The Commission members felt maybe they should just work on Main Street this year. The Commission wanted to give the PB time to consider this, read through the proposed ordinance and then the Commission would come back in October, November and December so they can discuss all of these separate items. The PB will also have to hold at least one Public Hearing on the Ordinance before it goes to the voters. If there are significant changes they will need to hold another Public Hearing before it goes on the Warrant and Ballot. If the ordinance is accepted and the Historic District is put into place then the HDC will review all Building Permits in the Historic District. They will sign off some permits immediately. They cannot tell anyone what color to paint their house. If somebody wants to re-roof their house they cannot say anything unless the owner does change the plain of the roof. They have nothing to say about existing commercial businesses unless they are changing them dramatically (new construction). There are other things that they cannot cover at all. Public comment will be taken into consideration.

Mrs. Francis felt this is a hopeful start for everybody and Mrs. Higgins explanation is helpful. Mrs. Francis said maybe the sections in bold type could be prefaced in each case; example suggested by the NH Division of Historic Preservation. Mrs. Higgins noted that the Commission has come up with a few of them themselves as being important; they are all either the RSAs or given to them by the Division of Historical Resources. It comes down to three things: 1) houses that are on the National Register; 2) any new construction (commercial or private) on Main Street; and 3) the way the Village looks. One of the big terms is “appropriateness”. They can say whether they feel a sign is appropriate; they cannot get involved with the size, etc. They do not think there are any regulations for solar panels or outdoor furnaces in the Historic District. These have one meaning for the PB but a different meaning for the Historic District. Their main goal is to keep these things invisible from Main Street. Some of the powers the Commission have come from the State; the rest have to be voted to them by the Town. Mr. Edkins understands that this would not have so much impact on the PB approval but the Building Inspector could not issue a Building Permit unless the application was accompanied by a Certificate of Approval from the HDC. The HDC could be treated as an abutter and receive a notice advising which applications are on the PB Agenda. Mrs. Higgins pointed out that under the RSAs the HDC is under deadlines as they have to issue their decisions within 45 days after a Building Permit comes in; if they do not approval is assumed. This will have to be worked out as they will have to see Building Permits the day after they come in.

Ms. Patty Chaffee’s concern is that 45 days is a long time for the Building Inspector as Mr. LeClair is only in the office for a limited amount of time. Most people coming in are looking to do their project tomorrow or next week. Mr. Edkins felt the HDC will meet some resistance from people who do not want to wait 45 days. Mrs. Higgins felt there will be times when the people will have to wait. They do not have a say on the interior of houses; some things are routine repairs and do not affect the exterior of the building. They did not think they would put anything in the ordinance about siding because half the buildings in Town are already sided. Major changes will take time. Mr. Edkins felt one area where there could be have a potential notice issue is about cutting significant trees. If somebody wants to cut down a tree in their front

yard they do not need to get anyone's permission right now so they would need to figure out something to trigger the HDC's jurisdiction in this case. Mrs. Higgins noted that this is not an issue that the HDC discussed in depth but they do not want to get involved with any individual's landscaping. The district will start with the new building that Dr. Caloras built on the north and it goes south to the big two story houses (the day care). Mr. Edkins will bring in a map at the next meeting. Mrs. Higgins pointed out that the State Historic Preservation people asked for a tax map and to have an over-layer map with a National Register map. Responding to a question from Mr. Lincourt, Mrs. Higgin said they only took out things from the original ordinance that they definitely did not want to deal with. She will email him a copy of the original ordinance but there are not a lot of differences. Mr. Edkins noted that Mrs. Higgins did a summary of the RSAs that apply to Historic Districts; he will forward a copy to Mr. Lincourt. Mr. Edkins said the Planning and Zoning statutes that include the Historic District provisions are broken up into Administrative and Enforcement procedures and a number of different chapters.

Mrs. Royce thanked the HDC for getting this far in such a short time. Mrs. Higgins said they feel it is important to have something in front of the voters in March. They did not want to go two years. They want it to be so a lot of voters will agree with it; some will not. They are encouraging people to submit comments. In the future enforcement will need to be addressed.

If this ordinance is not approved, the HDC might want to look into one of the other ways of doing it. They might want to think about putting that on the Warrant as a back-up article saying that if the Historic District does not pass that the HDC is authorized to look into other ways of achieving their goal. Mr. Edkins said if the ordinance does not pass the HDC still exists so they can look at another plan. The Office of Energy and Planning keeps a data base so they could find out what other towns have Historic District Commissions and Historic District Ordinances. Mr. Lincourt felt other towns could be asked about how they handle different roles, etc. Mrs. Higgins noted that they have asked and the general answer is it is best handled on a local level and to find out what their town wants to do. Mrs. Francis felt they should move forward with the highest priorities and non-controversial items first and a year or two later add some more.

Mr. Thibodeau asked if they would be going to the Finance Committee with a budget request for next year. Mrs. Higgins said the committee will talk about it at their next meeting. To-date this has taken a lot of time but not much money. The only photographs they can find are for about two-thirds of the houses on Main Street but they are small therefore they hired someone to make them as big as possible. It is important to have photos of what went on the original register. This is what a part of their budget request will be. A plaque for the Farwell School will be going on the building soon. Another plaque will be in South Charlestown on Duane Wetherby's property; it is a tribute to the stage coach days when South Charlestown was a very important center for stage coach travel in the 1700 and 1800s.

All the homeowners in both districts have been invited to attend their meeting Thursday, September 25th. Notice of the meeting was published in the newspaper. The PB will meet with the HDC again on October 7th.

ADMINISTRATION & CORRESPONDENCE:

Enforcement: Mr. Edkins had included copies of some enforcement letters in the PB packets.

At the last meeting they discussed the issue of the auxiliary parking on the Sumner House property and the PB asked for a copy of the lease which the members now have. They have leased four parking spaces to Champlain Oil with the possibility of two additional ones. The four parking spaces are already paved so there is no increase in the amount of impervious surface. If they were to pave additional parking spaces they know it would require PB approval. Mrs. Francis thought they were looking at a Site Plan amendment that would define the parking for the restaurant, the Wellness Center and the Salon. Mr. Edkins pointed out that the four parking spaces are in the far northwest corner of the property; they are separate spaces and not a part of the other parking spaces. Mrs. Clark and Mr. Wamsganz have talked about erecting a fence between the two lots to discourage customers of the Jiffy Mart to park on the Sumner House property. Mrs. Clark has put up the directional sign for the Sumner House. Mrs. Francis said they talked in mid-July and felt that the CAROD Site Plan should be reviewed and changed, if necessary, to show the parking for the different uses. It would be better for the PB to know there is enough parking for all the uses. Mr. Edkins' concern is that they do not do that anywhere else; the parking spaces are not designated. How would they enforce something like that? The PB regulations just say that they have to have adequate parking for the expected number of customers and employees. Mr. Bruno asked if it is up to the PB to determine what is adequate; they would have to look at the accepted standards. Mr. Edkins stated that they have never incorporated the accepted standards into their regulations nor have they referred to them by reference in the regulations. They could look at the ITE manual and determine if the number of parking spaces is sufficient. Mr. Frizzell recommended that the PB leave this parking issue for now until CAROD properties comes back in with another use. The parking is working for the existing businesses. The Wellness Center and Salon are not using the same parking spaces.

Relative to the Jiffy Mart, the diesel fuel deliveries has been resolved; they are now making them after hours. Mr. Edkins expects a letter from Mr. Wamsganz regarding this issue but it has not yet been received.

Mrs. Francis mentioned that it has been a few years since the proliferation of signs issue came up with the cycle shop. Ms. Chaffee has had communication with the owner who is trying to resolve this matter.

Relative to the auto repair business on Wheeler Rand Road, a third letter was sent to the owner. Mr. Edkins is coordinating with Ms. Chaffee; legal action may be needed.

Mr. Edkins sent a letter to Mr. Wamsganz at Champlain Oil to remind him that the signs at the old Jiffy Mart at 104 Main Street need to come down. Mr. Wamsganz understands this.

Relative to the PB Rules of Procedure, Mr. Edkins had emailed the revised language regarding voting procedures in the "Participation and Disqualification of Members". If the PB approves this they can move forward with adopting it as an amendment to the Rules of Procedure. It does not require Public Hearings; it can be done by a vote of PB members. Mrs. Francis asked what was the effect of "Abstaining" and "Abstention". Mr. Edkins explained an Abstention means they are acceding to the will of the majority; they may or may not state a reason.

Mr. Lincourt moved to adopt the changes to the voting procedures as presented. Mrs. Francis seconded the motion. With six members in favor, the motion was approved.

PB Budget: Mrs. Francis noted that Mrs. Royce, Mr. Thibodeau and Mr. Neill from the PB are members of the Finance Committee. For a number of years the Planning and Zoning Board Administrator's salary was split 50-50 with the Selectboard Administrative Assistant. By necessity he has to spend more time with Selectboard matters than PB matters. Should this percentage be adjusted? Mr. Edkins felt this is a question that should be addressed with the Selectboard first. Originally his salary was taken out of about six departments but that was a bookkeeping problem. Relative to Planning and Zoning he gets a lot of walk-in traffic that the members are not aware of. His time changes from day-to-day, week-to-week. The Selectboard develops the budget and then the Finance Committee reviews it. In addition to the duties of the PB there is also the Code Enforcement piece that is viewed by the Selectboard as being a PB function rather than a Selectboard function. The Selectboard is responsible for the enforcement.

Next Meeting: The next meeting is on October 7th. Mr. Bruno might not be present. Mr. Thibodeau will not be present.

ADJOURNMENT:

There being no other business, Mrs. Smith-Hull moved to adjourn this meeting. Mrs. Francis seconded the motion. With six members in favor, the meeting was adjourned at 8:42 PM.

Respectfully submitted,
Regina Borden, Recording Secretary

Minutes Filed: 09-23-14

(**Note:** These are unapproved Minutes. Corrections, if necessary, will be found in the Minutes of the October 7, 2014, Planning Board meeting.)