

**MINUTES  
CHARLESTOWN PLANNING BOARD  
NOVEMBER 3, 2015**

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

Alternates Present: James Jenkins, Doug Neill, Duane Wetherby

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 meetings are tape recorded and asked that anyone wishing to speak identify themselves for the record. A full Board is present at this meeting therefore there is no need to call on the Alternate members.

**APPROVAL OF MINUTES OF OCTOBER 28, 2015:**

**Mrs. Francis moved to approve the Minutes of the October 28, 2015 meeting, as presented. Mrs. Smith-Hull seconded the motion. With six members in favor, the minutes were approved. Mr. Bruno abstained as he was not present at this meeting.**

**DAVID GERMAIN, cont'd – Low Power FM Radio Station w/ 70' Transmission Tower – 44 Northwest Street – Map 118, Lot 53 – Zone E (Mixed Use):** Mr. Edkins had an email from Mr. Pohle stating they are having a hard time finding an engineer who is willing to look at the tower. The manufacturer said it would probably cost more to bring an engineer in to look at it than the tower's original cost therefore Mr. Pohle asked who the Town uses for their communication services. Mr. Edkins gave him the name of Jeff Barden, the Town's communication person at R & R Communications plus their phone number. Mr. Barden was going to be in Town today to look at it but was not sure he would have anything in writing in time for this meeting.

Mr. Neill spoke with Police Chief Connors this morning as he had a few verbal notes from Mr. Barden. He went through the notes as follows:

- The FCC license was for 8 watts of power but they are pushing 150 watts;
- The antenna is over modulated;
- Mr. Barden suspects the neighbors are having interference issues because of the over powering of the wattage;
- The over modulating is creating interference over the other narrow-band frequencies (computers, cell phones, Wi-Fi, etc.) as well as police radar units possibly within a one-third mile;
- A structure 65' tall – the guy wires there are too close to the base of the tower and they are supposed to have supports;

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- Mr. Barden feels there is a big risk of the tower falling over if it is bumped by a truck, etc.
- It is not fenced off so people could climb it;
- The FCC has no original stamp of approval.

Mr. Neill mentioned when Mr. Barden was there today he could not get access into the trailer yet somebody was there. Mr. Edkins asked if Mr. Barden will put those comments in writing. Mr. Neill asked Police Chief Connors to convey to Mr. Barden where does the Town go from here in terms of getting the FCC involved in dealing with these issues. The Town recommending R & R Communications could be a conflict at this time. Mr. Edkins clarified that he did not recommend R & R Communications but simply told Mr. Pohle that they are the ones the Town uses for communication services. Mr. Neill understands that R & R Communications was there at the request of the Town.

Mr. Jenkins stated there are two issues here:

- Licensing from the FCC that needs to be documented;
- The safety aspect of the tower.

Mr. Neill said safety is what the Town can deal with.

Mr. Bruno suggested Mr. Edkins contact R & R Communications to see if they have a contractual relationship with the applicant; if they do not then the Town can rely on them as being consultants to give the Town a report. He disagrees that the Town does not have any jurisdiction if the applicant is in fact exceeding their FCC parameters. This afternoon he measured the base of the guy wires against the 14-feet off the center line of the street. Mrs. Francis stated that the PB conditions require that the applicant have a plan signed by a NH licensed engineer. It is the responsibility of the applicant to provide an engineer's report rather than the Town taking responsibility. Mr. Edkins asked Police Chief Connors to have R & R Communications take a look at the tower but it was mostly to deal with the interference problems. He is not sure who Mr. Barden was working for when he came to look at the tower, etc. Mr. Frizzell pointed out that usually if the Town hires an engineer it has to be at the applicant's expense therefore they have to agree to do that. Mr. Bruno does not have a problem with using the information that R & R Communications developed. Mr. Lincourt noted that there is a public safety issue; that gives the PB the right to shut that operation down. Mr. Edkins is not sure if they are broadcasting on a regular basis or not. They came before the PB to get a Site Plan Review permit to do what they had already done which was construct the tower itself. If the tower had been constructed as a personal ham radio communications tower the PB would have no jurisdiction.

**Mr. Bruno moved to continue this application until the next meeting on November 17, 2015. Mr. Edkins will contact R & R Communications to see who their contractual relationship is with and to issue a Cease and Desist order to the applicant because they are operating without a permit and there is interference. Mrs. Smith-Hull seconded the motion. With seven members in favor, the motion was approved by a unanimous vote.**

**J & H STODDARD PROPERTY HOLDINGS, LLC, cont'd – 46' x 72' Automotive Repair Garage w/ Two Self Service Car Wash Bays – 897 Old Claremont Road – Map 108, Lot 19 – Zone E (Mixed Use):** Mr. Bruno stepped off the PB for this agenda item. Mr. Doug Neill was asked to sit in his place. Mr. Travis Royce, representing the applicant, distributed new plans. The only changes are what were mentioned at the last meeting; the two bays for the car wash in front of the building are labeled, the house and abutters were added and are also on the inset. He added lighting and landscaping. PB members reviewed the revised plan. Mr. Royce answered several questions. A sketch of the proposed subdivision was also displayed.

Mr. Tory Royce is concerned because they were not notified of this application. Mr. Edkins explained that they are not an abutter by state statute even though they live in the neighborhood. Notification is governed by State statute. Abutters were notified by certified mail, a notice was published in the Eagle Times and it was posted on the customary Town bulletin boards. Mr. Tory Royce stated that this is a nice, quiet neighborhood, children walk to the bus stop, people walk and ride bikes, but now vehicles will be going in-and-out of this new business. Ms. Trina Dearborn said they do not have any street lights in that area and they love it that way. They are concerned about lighting. Mr. Frizzell advised that there will be lights on the back of the building that will be cast downward to protect the parking lot. Mr. Tory Royce noted that there will be an additional building on the property.

Mrs. Francis wanted to raise the question of lights on the building. She questioned if it would be preferable to put lights in the back on the fence facing the business. What are the lighting options? Mr. Travis Royce clarified that the intent was not to light the 27 parking spaces shown on the plan but rather the lights are for security around the building. All the parking spaces will not be utilized all the time. When customers are coming in at the end of the day there needs to be lighting for them. It is Mr. Frizzell's understanding that security lights will stay on. Mr. Travis Royce stated that they are talking about modern lights with shields pointed downward. He outlined the distance from the building to the parking spaces and fence.

Mr. Tory Royce questioned the hours of operation. Mr. Edkins stated that at the last meeting the applicant indicated the car wash would operate 9:00 AM to 9:00 PM / 7 days a week. Mrs. Smith-Hull recommended there be "Children at Play" or "Caution" signs for safety reasons and the applicant pay the cost of those signs. Ms. Chaffee advised that Mr. Weed looked at the property today and had no issues with the entrance.

Mr. Lincourt is concerned about fluid containment and fluid leaking from vehicles in the parking area, especially since this is in the Drinking Water Protection area a. Mr. Edkins advised that at the last meeting Mr. Joel Stoddard said he had submitted a fluid management plan with his previous application at his old site on Salt Shed Road. A copy of that plan was distributed. They are required to store any kind of fluids with secondary containment; the drum has to be sitting on a platform that has the capability of holding the full contents of the drum if it should leak. Safety-Kleen is the company that the Town uses to dispose of their waste fluids.

Mr. Edkins spoke with Water & Wastewater Superintendent Dave and the terminology he uses is the Wellhead Protection Area which will expand significantly when the new Bull Run well is put on-line. The Town will not be required to impose new land use restrictions just as they were not

required to adopt the original Drinking Water Protection. That was something the PB decided would be a good idea. Mr. Duquette will be required to make periodic inspections of any facility that has the potential for groundwater contamination. He does this now however the area will be significantly expanded and include more businesses. Mr. Duquette agreed to meet with the PB to talk about what he feels needs to be done going forward. Mr. Lincourt felt it might be appropriate to require that the parking lot be paved and whether there is any way to control fluids going into the storm drains. Would the DES set guidelines for them? Mr. Edkins noted that they need to sit down with Mr. Duquette as he will know what the permit for the new well is going to require us to do.

Mr. Edkins summarized that the two major issues are:

- Potential contamination and how is it minimized / eliminated;
- The lighting issue, potential additional traffic and the school bus stop.

Mr. Lincourt suggested that Mr. Travis Royce go back to Mr. Stoddard to ask if it would be feasible to pave the parking lot with appropriate storm drains. Mr. Royce will discuss this with the applicant. He will also come back with the potential lighting and leak containment plan. Mr. Bruno thought they could have a condition that the fluid disposal meet the Best Management Practices of the State of NH and Federal Guidelines rather than try to micro-manage because the regulations could change. Mr. Edkins agrees; the DES has fact sheets that deal with these issues.

**Mr. Thibodeau moved to continue this application until the next meeting on November 17, 2015, so there be more discussion and research on the applicant's part with the parking lot, lighting and spill prevention. How will the lighting impact the lot lines. Mrs. Smith-Hull added that a school bus stop sign be put up. Mr. Lincourt seconded the motion. With all in favor, the motion was approved.**

Mr. Bruno returned to his seat on the PB. Mr. D. Neill returned to his seat as an Alternate.

#### **PLANNING & POLICY ISSUES:**

##### **Enforcement Issues:**

**Dollar General:** A PB member mentioned the signs out in front of the store by the sidewalk. Mr. Edkins explained that they should have a temporary Sign Permit but if they are permanent they need a regular Sign Permit. Mr. Edkins will send them another letter on the violations and if they do not respond the next letter will be from the Town Attorney. There is a process in the statutes to revoke a Site Plan approval.

**Desi's Store:** A PB member mentioned that there are many trucks / tractors parked at the former Desi's Store on Ox Brook Road. Mr. Edkins will talk to Ms. Chaffee, Code Enforcement Officer, about this. They will take a look at it.

**New Building Permit Forms:** Mr. Edkins had included copies of the new Building Permit forms in the PB packets as requested.

**Towers:** Mr. Edkins received three sample copies of Tower Ordinances from the Upper Valley Lake Sunapee Regional Planning Commission. Mr. Miller thought that the one from the City of

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Claremont has would work best for Charlestown. Mr. Edkins will try to include copies in the next PB packet.

**ADMINISTRATION & CORRESPONDENCE:**

**Next Meeting:** There is nothing new for the next PB meeting agenda on November 17, 2015.

**ADJOURNMENT:**

**There being no Other Business, Mrs. Smith-Hull moved to adjourn this meeting. Mr. Bruno seconded the motion and, on a roll call vote with all in favor, the meeting adjourned at 8:24 PM.**

Respectfully submitted,  
Regina Borden, Recording Secretary

Minutes Filed: 11-10-15

**(Note:** These are unapproved Minutes. Corrections, if necessary, will be found in the Minutes of the November 17, 2015, Planning Board meeting.)