

**MINUTES
CHARLESTOWN PLANNING BOARD
MARCH 17, 2015**

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

Alternates Present: None

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 pointed out that, at the moment, they do not have a full Planning Board. Meetings are tape recorded therefore he asked anyone wishing to speak to identify themselves for the record.

ELECTION OF OFFICERS FOR 2015-2016:

CHAIR FOR 2015-2016:

Mr. Thibodeau nominated Mr. Frizzell as the Chair. Mrs. Smith-Hull seconded the motion.

In view of this nomination for Mr. Frizzell, Mrs. Francis, as Vice-Chair, took over this portion of the meeting.

There were no other nominations. With five members in favor, the motion was approved. None were opposed. Mr. Frizzell abstained from the vote.

Mr. Frizzell accepted this nomination and assumed his position as Chair.

VICE-CHAIR FOR 2015-2016:

Mr. Thibodeau nominated Mrs. Francis as the Vice-Chair. Mrs. Smith-Hull seconded the motion. There were no other nominations. With five members in favor, the motion was approved. None were opposed. Mrs. Francis abstained from the vote.

Mrs. Francis accepted this nomination for Vice-Chair.

FILLING OF VACANCY: Mr. Edkins advised that Mr. Richard Lincourt should have been on the ballot for an additional one year to complete the term of Mr. Jenkins who resigned. This was a glitch between his office and the Town Clerk's office. Under State Statutes the PB fills their own vacancies.

Mr. Bruno moved that Mr. Richard Lincourt be appointed to the PB for a one year term. Mrs. Francis seconded the motion. With six members in favor, the motion was approved.

Mr. Edkins advised that technically Mr. Lincourt cannot participate at this meeting as he needs to be sworn-in to this office by the Town Clerk.

ALTERNATE PB MEMBERS: Mr. Edkins had two expressions of interest as Alternate members: Mr. Duane Wetherby and Mr. Doug Neill. Neither of them is present. Mr. Steve Neill stated that if Mr. Doug Neill becomes an Alternate the PB will have a different ex-officio member from the Selectboard. Mrs. Francis did not see a conflict of interest if Mr. Doug Neill sits on the PB as an Alternate with Mr. Steve Neill remaining on as the Selectboard ex-officio. Mr. Steve Neill said if the PB does not see a conflict of interest he could stay but it is the perception of what other people think. Mr. Edkins does not see a conflict of interest. The PB is allowed up to five alternate members but the practice has been to have three. Mr. Thibodeau felt the two people who expressed an interest should be invited to attend the next PB meeting to present themselves. That has been the practice in the past. There was a consensus of the PB members to invite the two interested parties to the next PB meeting.

Ms. Patty Chaffee, who was present, expressed an interest in being appointed as an Alternate. Mr. Edkins felt she would have to recuse herself when the PB discussed enforcement matters as she is the Code Enforcement Officer.

Mr. Edkins pointed out that the PB usually appoints their alternates so the terms expire on staggered three year terms; they would appoint a member for one year, a member for two years and a member for three years. Ms. Chaffee preferred a one year term.

Mr. Thibodeau moved to go with one year terms for all alternate members. Mr. Neill seconded the motion. With six members in favor, the motion was approved.

Mrs. Francis moved to appoint Ms. Chaffee as an alternate member to the PB for a one year term. Mrs. Smith-Hull seconded the motion. With six members in favor, the motion was approved.

APPROVAL OF MINUTES OF February 17, 2015:

Mrs. Francis moved to approve the Minutes of the February 17, 2015, Planning Board meeting, as printed. Mr. Thibodeau seconded the motion. With five members in favor, the Minutes were approved. Mrs. Smith-Hull abstained as she was not present at this meeting.

PLANNING & POLICY ISSUES:

Historic District: Mr. Edkins had drafted a letter “To the Editor” in response to the Charlestown Heritage and Historic District Commission’s letter to the Editor that was published in the March 4th edition of the Eagle Times. This draft is for the PB’s consideration. There had been some email discussion about whether the PB wanted to respond to debate that letter through the press. Mrs. Francis had sent an email to the PB members and Mr. Edkins. The CHCD letter emphasized “the Planning Board refused to allow the proposed ordinance to go to the voters”. She felt readers of the paper who follow these matters would benefit from understanding that the PB was not acting out of arbitrariness but rather was doing the duty incumbent upon them by

following the law. Specifically RSA 675:3 III states that “the planning board shall, by vote, determine the final form of the ordinance...to be presented to the town”. She suggested that a sentence be added to the letter that Mr. Edkins drafted. Mr. Edkins stated that there isn’t universal legal agreement in the legal community as to whether the PB determines the final form of the ordinance and/or whether the PB can actually decide whether or not to put the Article on the Warrant. He is comfortable that the PB was within their rights not to put it on the Warrant if they felt it was not ready to be voted on. Mr. Lincourt asked if anybody on the PB got any feedback from the public about the CHDC’s letter. Should they respond to that letter because it will not bring the CHDC and the PB any closer together? Mr. Edkins did not receive any comments. Mr. Thibodeau noted that it affects only a small percentage of the Town residents yet the whole Town gets to vote on it. He felt it would not hurt to send the letter, a one-time explanation of the PB position, send out the facts but not keep going back-and-forth. Mr. Edkins pointed out that the PB discussed meeting with the Historic District Commission and Heritage Commission to try to work through this. The Upper Valley Lake Sunapee Regional Commission has offered to facilitate that discussion; the PB members would like to move forward with this.

Mrs. Francis moved that the letter that Mr. Edkins drafted be sent to the Eagle Times and Valley News. If they learn it was also published in the Keene Sentinel it should be sent to them as well. Mr. Thibodeau seconded the motion. With six members in favor, the motion was approved.

Mrs. Francis moved that Mr. Edkins add a sentence to their letter that conveys the NH law that requires that the PB approve the final form of the ordinance before it goes to the voters. Mr. Edkins is to draft that sentence. Mr. Neill seconded the motion. With six members in favor, the motion was approved.

Mr. Frizzell felt they should discuss how they are going to move forward with this. Mr. Edkins will ask the UVLSRPC staff if they are available to attend the April 7th meeting. If so, he will invite the Heritage/Historic District Commission members to attend. Mr. Bruno recommended that they review the ordinance and be prepared to make recommendations at this meeting.

Medical Marijuana: Mr. Frizzell advised that the City of Lebanon was talking about a medical marijuana dispensary. Mr. Edkins pointed out that medical marijuana dispensaries are becoming an issue. NH has accepted medical marijuana but not recreational marijuana. Dispensaries for medical marijuana with a prescription from a doctor are now legal in NH. Mrs. Francis asked Mr. Edkins to check with the Police Chief about his thoughts / insight as to whether there is any responsibility that the PB should be anticipating.

Enforcement Issues: The following enforcement issues were discussed:

- Treasure Chest Store: In the past there were no out buildings. There was a consensus to ask them to come in to talk about their activities before spring.
- Dilapidated Properties: Relative to the letters that were periodically sent out, Ms. Chaffee explained that some buildings were fixed and others are being worked on. People are cooperating. The letters are having an effect. Mr. Edkins mentioned that some issues are that before a Demolition Permit can be issued there needs to be an asbestos inspection; it could get expensive.

Charlestown Planning Board Minutes – March 17, 2015 – Page 4

- Sewer Issue: An inspection should be done on a property with a mobile home as the sewer is going down onto another property.

International Property Maintenance Codes: Mr. Thibodeau mentioned that they had talked about International Property Maintenance Codes in the past. Claremont has codes therefore he asked if they should be asked to attend a meeting in Charlestown to discuss this. Mr. Edkins pointed out that they have a City Council to enforce it. He will make copies of the codes for PB members. It applies to all properties and would have to be approved by the voters.

Dollar General Store: Mr. Edkins received a call from the local store manager to ask if Mr. Edkins was going to be the contact person but he has not heard anything since then. He has not heard any concerns about land use issues other than backing up to the front door which has ceased. Mr. Bruno pointed out that were other conditions. He asked if the Storm Water Certification had been received. Mr. Edkins will follow-up on that.

Champlain Oil: Mr. Edkins has been in touch with Champlain Oil about the sign and tanks at their former business site. They are planning on digging the tanks out early this year and the canopy and sign will be removed.

ADMINISTRATION & CORRESPONDENCE:

Cheshire Bridge: Mr. Edkins reported that the original plans to close the Cheshire Bridge this summer have changed. There will now be alternating one-way traffic except for about a week. A Department of Transportation representative will be at the Selectboard meeting on April 1st. That meeting will be held in this Community Room rather than the Selectboard office.

ADJOURNMENT:

There being no other business, Mrs. Smith-Hull moved to adjourn this meeting. Mrs. Francis seconded the motion. With seven members in favor, meeting was adjourned at 8:10 PM.

Respectfully submitted,
Regina Borden, Recording Secretary

Minutes Filed: 03-26-15

(**Note:** These are unapproved Minutes. Corrections, if necessary, will be found in the Minutes of the April 7, 2015, Planning Board meeting.)