

**MINUTES
CHARLESTOWN PLANNING BOARD
JUNE 2, 2015**

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

Alternates Present: Patty Chaffee, James Jenkins, 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. Regular member, Richard Lincourt, was not present therefore Mr. Frizzell called upon alternate member, Mr. Wetherby, to sit in his seat. Mr. Doug Neill, alternate member, was also in attendance however could not take his seat as he has not yet been sworn in by the Town Clerk.

APPROVAL OF MINUTES OF MAY 19, 2015:

Mrs. Francis moved to approve the Minutes of the May 19, 2015 meeting, as printed. Mrs. Smith-Hull seconded the motion. Mr. Wetherby noted on page 3, Heritage Commission, second paragraph, last line, “Mrs. Susan Richardson” should be changed to “Mrs. Susan Coleman”. With Mrs. Francis, Mrs. Smith-Hull, Mr. Thibodeau, and Mr. Wetherby in favor, the minutes were approved as corrected. Mr. Bruno and Mr. Frizzell abstained as they were not present at this meeting.

Mr. Neill came into the meeting.

PATRICK RUMRILL – Auto Repair Business in Existing Garage – 1440 Acworth Road – Map 231, Lot 33 – Zone E (Mixed Use): Mr. Edkins reported that Mr. Rumrill is planning to start a small auto repair business in an existing garage on his property on Acworth Road. Mr. Frizzell pointed out that Mr. Rumrill has done auto repair work on-and-off but he is now ready to work at it full time. Mr. Thibodeau commented that there is no way to locate him as there are no road names or abutter names on the plan. Mrs. Rumrill said they were not told to put them on the map. Mr. Edkins said that information can be added relatively easy. This map was drawn from a survey. At this time Mr. Rumrill handed in a different sketch with this information on it including the buildings. Mr. Thibodeau pointed out that the scale was not accurate. Mr. Edkins advised that all abutters were notified by certified mail; it was published in the newspaper and posted at the usual locations. No one contacted him with any concerns. This is in Zone E; the required setbacks are 20 feet from the front property line and 10 feet from all other property lines. There will not be any new construction. Mr. Bruno suggested putting the two sketches together to make them one exhibit.

Mr. Neill stated that anything like a Site Plan Review should get to the PB members before the last minute to give them time to look them over. Mr. Edkins advised that these packets were done last Thursday but probably did not get mailed until Friday. There was discussion relative to the mail service being slower now that Charlestown mail is no longer sorted in house; it does not stay in Charlestown. It was recommended that packets go out in the mail on Thursday. Mr. Edkins usually waited until Friday to mail out the packets to include all the current items like Sign Permits and other correspondence. Mr. Neill would like a mailing done earlier especially when applications require more study. Mr. Edkins pointed out that, in the past, Friday was the day we did the PB packets and the PB used to receive them the following Saturday. Mr. Edkins will now try to get them out earlier.

Mr. Bruno moved to accept this application for Patrick Rumrill as complete with the addition of the two sketches being combined into one. Mrs. Smith-Hull seconded the motion.

Mrs. Francis asked about waste oil. How will it be stored on site? Mr. Rumrill said they will recycle it. It will be stored in barrels; probably only one at a time.

Mr. Thibodeau asked if he would be changing tires and if so, what will happen to the old tires. Mr. Rumrill will call a tire company to pick them up. Mr. Frizzell said the PB would rather he took them to the Recycling Center maybe once a week. Mr. Jenkins noted that piled up tires could be a fire hazard. Mr. Edkins said they need to be removed quickly as they can fill with water and then there are mosquitoes and other insects. There are no Town regulations regarding the number of tires that can be stored.

Mr. Thibodeau asked about mufflers, brakes, etc. Mr. Rumrill has a metal bin where that is stored and is picked up as soon as he calls. The bin is in back of the garage. Mrs. Rumrill mentioned there is enough room in back of the garage so a vehicle can be parked between the garage and the bin.

Vote in Favor of the Motion: With seven members in favor, the motion for completeness of the application was approved.

Mr. Neill questioned spill kits. Mr. Rumrill will get some. Mr. Neill requested the names of the waste oil haulers. This is a part of hazardous waste oil transport regulations. Mr. Rumrill has someone who picks it up; it is hauled five gallons at a time. Mr. Bruno suggested including a condition of the permit that Mr. Rumrill meets all State and Federal requirements for hazardous material disposal. Mrs. Francis felt they should identify the hazardous materials. Mr. Bruno said, if so, they would have to be sure to include all of them. Mrs. Rumrill stated that after they get approval from the PB they will have the State come in because they want to do inspections.

Mr. Neill asked if the Building Inspector had been there to do an electrical inspection. Mrs. Rumrill responded that he was there when they built the garage. Mr. Neill said there are different codes for residential and commercial structures. He did not inspect for commercial outlets. Mr. Rumrill only has a compressor. Mr. Edkins pointed out that they are getting outside the realm of Site Plan Review and into building code issues.

Mr. Bruno moved to approve this application with the conditions that all oil, anti-freeze and other hazardous materials are disposed of in accordance with State and Federal regulations and any other materials are disposed of in accordance with applicable regulations, that the Building Inspector inspect the building for code compliance for commercial use, no more than 20 used tires be stored on the site at any one time, waste materials be stored in the containers as shown on the plan. Mrs. Smith-Hull seconded the motion.

Mrs. Francis expressed concern about storage based on State and Federal regulations. The PB should point out what regulations he should reference. Mr. Bruno advised that the NH Department of Environmental Services web site and there is a link for garages. Mr. Rumrill will be able to get them to work with him on the waste oil storage. Mr. Bruno disagrees that we are in a position to know all the regulations. It might require secondary containment. The State can advise them.

Mrs. Francis mentioned that it has been a long time since the PB has granted completeness and final approval in the same meeting on the grounds that there are often questions that come up that require additional work on the part of the applicant. She would like to see the business take place but if the motion moves forward she will probably not vote for it. She would like to see Mr. Rumrill come back after he has done the research and provide the documentation.

Mr. Bruno and Mrs. Smith-Hull did not withdraw their motion.

Mr. Jenkins is concerned with what Mrs. Francis is proposing. We do not want the applicant to review the regulations and bring it back to the PB to have them make their own interpretation. Mr. Frizzell explained that if the applicant comes back and the PB does not think it is right the PB can request they hire somebody at the applicant's expense to clarify the regulations. Mr. Jenkins feels when you have more than one person interpreting RSAs or regulations they could be off base. It is the applicant's obligation to comply with the regulations. Mrs. Francis read a section of the Site Plan Review regulations relative to waste materials.

Mr. Frizzell recommended that Mr. Rumrill submit a written plan of exactly how he will store and dispose of oil, anti-freeze and any other hazardous materials. Mr. Bruno and Mrs. Smith-Hull accepted this added condition to their motion for approval.

Vote on Amended Motion: Six members were in favor of the motion as amended, Mrs. Francis was opposed. The motion was approved by a 6 to 1 majority vote.

HISTORIC DISTRICT ORDINANCE – Nate Miller, Executive Director – Upper Valley Lake Sunapee Regional Planning Commission (UVLSRPC): Mr. Nate Miller had a copy of the draft Charlestown Historic District Ordinance and the eight reasons the PB identified as needing work “Why the proposed Historic District Ordinance is not ready to send to voters in 2015”. He feels it is the PB goal to work cooperatively with the Charlestown Historic District Commission (CHDC) to work out these issues and get something ready for Town Meeting in 2016. He would be happy to volunteer to lend his assistance by facilitating between the PB and

CHDC. He would bring a mutual perspective but cannot supply them with Regional Planning Commission language. Hopefully he can find a path forward between the two as it relates to the eight items and find something that everybody can live with because they clearly have a common goal. Mr. Miller does not feel many of the items will be difficult to address. Some of them are straight forward; he feels he can address six of them. Two of them are issues that the PB and CHDC have to work out as a Town.

No. 1: *“The proposed boundaries of the district are unmeasured and inexact. Instead, the tax map boundary of each included property should be followed.”* Mr. Miller feels this is pretty straight forward as they have GIS capabilities, they can develop maps of the Main Street district and correlate those maps. Mr. Edkins provided some background. The district was originally laid out based on a map that was included in the National Register District nomination; it did not map property lines. Where does the district start and where does it end? Mr. Miller said it does not always need to follow property boundaries; they may have a third of a huge property in the historic district and the other two-thirds not in the historic district. Mr. Edkins clarified that the map showed buildings but not lot lines. They need to have a way to say this area is in the district and that area is out. Mr. Miller pointed out that they could map it out in different ways. Mr. Edkins displayed the district as mapped in the National Register District nomination as well as the tax map showing property boundaries. Mr. Miller advised that they can recreate the maps with dimensions. He feels No. 1 is not difficult. They can do it either way and show one option vs. the other to provide two scenarios. He made a note to do that.

No. 2: *“North Charlestown village is omitted. Instead, it should be included.”* Mr. Miller felt they have to go through the same exercise with North Charlestown. Mr. Edkins noted that this a policy decision for the PB and the CHDC to work out. Mr. Wetherby, a member of the CHDC, stated that they felt there was not enough time to do both. Mr. Miller pointed out that we now have time to do it at the same time. Both seem straight forward.

No. 3: *“There are no criteria that will guide the Historic District Commission’s actions. Instead, criteria should be spelled out in the ordinance to give voters the final say in the principles that will guide the commission’s work.”* Mr. Miller said this important; the key is to have both in the room at the same time to discuss this. They need a set of guidelines that lay out what will be considered in the context of the ordinance. The UVLSRPC has excellent examples from around the state; some may be applicable to Charlestown and others may not. He has a way of reaching a consensus on what the criteria are that is kind of fun. They have hand-held devices where they can put a question on a screen; everybody will have clickers so they can answer at the same time. A consensus is quick. In about an hour of working session they could find common ground. He suggested this as a starting point. There are other ways but the clickers are generally well received. There was discussion relative to voting on the ordinance without knowing what the regulations will be. At the Public Hearing on the proposed Ordinance a lot of people were not comfortable with this because they did not have any control over what kind of regulations would be imposed on their properties. At the least, the regulations should be outlined or known before the ordinance goes before the voters. Mr. Miller pointed out that most communities do it that way; ordinance and then regulations. There is no prohibition against trying to get as close to the finished product of regulation as possible at the point where the ordinance is developed. We have some time so they could get to outline a core of what those regulations might be. It does

not have to be ordinance and then regulations in the rules of procedure. He did some research looking at different historic district ordinances that are zoning overlays and came across Rochester, NH who have their regulations incorporated into their ordinance. Mr. Miller feels that between now and when they need to be ready for the 2016 Town Meeting they could have a lot of that information laid out and have consensus between the PB and CHCD. They could have a lot of the regulatory guidelines spelled out as to what will be included and what will not be included. Mrs. Francis distributed copies of some criteria she had compiled. She is proposing this list as a starting point.

The PB agreed that Mr. Miller's approach makes sense. There was discussion relative to what becomes too onerous, maintaining the character of the neighborhood, and how detailed they want to get. Mr. Miller feels they will get answers to questions during the workshop session. It has to be a partnership. If there is not going to be collaboration then he is wasting his time going through this process. Both the PB and CHDC have roles to play. Collaboration is key. Mr. Miller read a passage from the NH Preservation Alliance book relative to "having both drafted contemporaneously so that citizens have a better understanding before it is voted upon" etc. Mr. Thibodeau mentioned that the people affected by this historical district are so few compared to the whole town; the whole town is voting on this. Mr. Miller said they can draft the ordinance plus have a good idea of what the regulations will be. It will get the Town to a point that when the 2016 Town Meeting comes they will be in a much better place. The ordinance lays out the guidelines they will follow and the regulations are born of the ordinance; the implementation of the ordinance. They can spell out in the ordinance the items that the regulations are going to cover and be addressed.

Relative to a statement from Ms. Chaffee, Mr. Edkins clarified that the question that goes on the Warrant is "Are you in favor of the Historic District Ordinance as proposed by the Planning Board." Underneath that it would state: "The Planning Board does not recommend this ordinance." If they are not recommending this ordinance then why are they proposing it?

Mrs. Smith-Hull asked Mr. Miller if he will be at every meeting and he responded "yes". She asked if he would be the facilitator and he responded "yes". Mr. Miller has great confidence in the people in Charlestown to come together and tackle issues that were previously thought to be un-tacklable.

No. 6: *"The ordinance proposes only a regulatory role for the Historic District Commission, an unelected body of citizens. Instead, the ordinance should also include an educational role for the HDC, and an advisory role to the elected Planning Board when non-residential or multi-family development is proposed within the historic district."* Mr. Miller feels this is something that the PB needs to talk to the CHDC about to see if they are comfortable assuming that role.

No. 6 affects No. 8: *"There is no information for voters in 2015 about the potential fiscal impact of the proposed ordinance. Instead, the Historic District Commission should develop a proposed budget for 2016 that addresses their basic operating expenses, as well as annual costs associated with their educational, advisory, and regulatory roles."* This is something Mr. Miller cannot help them with. He believes that by working on Nos. 1, 2, 3, 4, 5 and a part of 6 we can make a lot of progress. As the next step he suggested that they carve out a day and time to begin.

He can work with Mr. Edkins to find a date in the near future. Mr. Edkins asked if Mr. Wetherby will go back to his commission members and find out if they are willing to participate in this exercise. Mr. Wetherby said he would. It was suggested that they work toward the first PB meeting date in July but at the latest it should be the second meeting in July.

The PB members thanked Mr. Miller. Mr. Miller is happy to volunteer his assistance and hopefully by the time the 2016 Town Meeting comes they will have something that everybody agrees upon and they will be ready.

PLANNING & POLICY ISSUES:

FEE SCHEDULE: Mr. Edkins was going to discuss the Fee Schedule but got involved with other matters. He is not comfortable raising the fees as presented by Mr. Thibodeau at the last meeting but he is comfortable with doubling the fees across the board. They would cover their costs with those fees. No decision was made.

Enforcement Issues: Ms. Chaffee advised that the former Hilltop Paving sign on the Old Claremont Road was brought to her attention. She reached out to the new property owner who indicated that they would be opening a business with horses (riding, etc.). She would like to eventually utilize the current posts that are there and was going to see what would happen if they tried to remove the sign without damaging the existing posts. The other option was to ask the PB members if they approve having her cover over the sign for about six months. There was a consensus of the PB members to give her a choice of covering the sign or taking the sign down and leaving the posts. Mr. Neill asked Ms. Chaffee to tell the new owner about the regulations she will have to follow for a new sign.

Dollar General Store: Mr. Bruno asked if Mr. Edkins received the “As Built” and inspection reports for the storm drainage. Mr. Edkins had not received them but will follow-up.

New Jiffy Mart: Mr. Neill asked if there was a requirement regarding annual inspections for the catch basins. Mr. Edkins will check the approval letter.

Site Plan Review: Mr. Thibodeau stated that the PB members should not continue to get plans / drawings that are not complete. The plans / drawings need to have all the information including the names of roads, the abutters, size of buildings, etc. They also did a two step process; they need to get back to that. There was discussion relative to the cost for small business projects. Mr. Edkins tries to have a user friendly system. Mrs. Francis suggested that Mr. Edkins have the authority to recommend to some applications that they wait until the next meeting when they have all the information. Mr. Bruno noted that sometimes it is a matter of time rather than authority. Mr. Edkins pointed out that there are not many other towns of this size in the State of NH where the Administrator is also responsible for the Planning and Zoning. He was also doing code enforcement until Ms. Chaffee was hired to do this.

ADMINISTRATION & CORRESPONDENCE:

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

ADJOURNMENT:

There being no other business, Mrs. Smith-Hull moved to adjourn this meeting. Mrs. Francis seconded the motion. With seven members in favor, the meeting was adjourned at 9:12 PM.

Respectfully submitted,
Regina Borden, Recording Secretary

Minutes Files: 06-08-15

(Note: These are unapproved Minutes. Corrections, if necessary, will be found in the Minutes of the June 16, 2015, Planning Board meeting.)