

**MINUTES  
CHARLESTOWN PLANNING BOARD  
JANUARY 5, 2016**

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

Alternates Present: Patricia Chaffee; James Jenkins, Doug Neill

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 recorded and asked that anyone wishing to speak identify themselves for the record. Mr. Frizzell advised that regular member, John Bruno, is absent therefore he asked Alternate James Jenkins to sit in Mr. Bruno's place. Ms. Chaffee will be late as she is attending another meeting.

**APPROVAL OF MINUTES OF DECEMBER 15, 2015:**

**Mrs. Francis moved to approve the Minutes of the December 15, 2015 meeting as presented. Mr. Thibodeau seconded the motion. Mr. Lincourt requested a change on page 3, 3<sup>rd</sup> paragraph, change "Mr. Lincourt suggested that if the Police went to the site and turned on their radio and transmitter long enough" to "Mr. Lincourt suggested that the applicant's transmitter needs to be turned on and if the Police went to the site and turned on their radio long enough for a test". Mr. S. Neill thought Mr. Lincourt's intent was to be sure that the Police went down there with their radio on when the applicant was testing. It was affecting the radio and radar. Mr. Edkins said the applicant needed to let the Chief know when they were testing. Mr. Lincourt pointed out that the word "transmitter" is the problem. Mr. Lincourt referenced page 5, 4<sup>th</sup> paragraph, change "1.5 million gallons of water a day" to "1.5 thousand gallons of water a day". Mr. Lincourt referenced page 5, 5<sup>th</sup> paragraph, change "eventually mobile homes with an outside tank will have to be stabilized" to "eventually mobile homes with outside tanks will have to have their outside tanks stabilized". Mrs. Francis requested a clarification on page 5, 4<sup>th</sup> paragraph, "they" in the first sentence should be "the Water Department" for clarification. Mr. Thibodeau mentioned in the same paragraph, change "When they drilled" to "When the Water Department drilled". With all in favor, the minutes were approved as corrected.**

*Ms. Patricia Chaffee came into the meeting.*

**TONIMARIE TASSINARI – Sign Permit – 16 Main Street – Map 117, Lot 6 – Zone A-2 (North Main Street):** Mr. Frizzell advised that Ms. Tassinari is one of his tenants therefore he asked if the other members would like him to step off the Board for this application. The PB members did not see a problem with Mr. Frizzell staying on the PB.

Mr. Edkins pointed out that all the PB members received a color copy of the proposed sign. Ms. Tassinari advised that the posts will be changed because of the sizes of the two signs. Her sign will be 36" x 36". Mr. Edkins mentioned the existing sign is smaller therefore the size will change so both signs will be the same size to fit on the posts. Mr. Thibodeau felt the height of 14-feet from the ground is quite high; he did not feel the PB would want the sign more than approximately 3-to-4 feet off the ground. He does not have a problem with the sign but it seems to be high off the ground. Mr. Jenkins questioned if there is more room in the building for other tenants but Mr. Edkins responded that the building is full with two tenants. Ms. Tassinari explained that with snow on the ground and visibility from the road both she and the other tenant felt the height was appropriate. The PB members discussed the height off the ground being too high, not look right and might even blow over in a strong wind. Mr. Frizzell advised that the PB members can suggest that the sign be lowered. Mr. Thibodeau calculated various measurements. Mr. S. Neill did not feel the top cross piece should exceed the top of the building eaves. Ms. Tassinari responded that lowering the height would be acceptable. The signs will not be lighted and are double sided.

**Mr. Thibodeau moved that the PB members approve the Sign Permit application for Tonimarie Tassinari as presented but that it have a maximum top height of 11-feet 6-inches. This gives the applicant up to 4-feet of clearance at the bottom of the sign. Mr. Lincourt seconded the motion. An amendment was made and accepted by Mr. Thibodeau and Mr. Lincourt that the other tenant will not have to come back before the PB because of the increased size of her sign which will match Ms. Tassinari's sign. With seven members in favor, the motion and amendment were approved.**

**GKN AEROSPACE – Sign Permit – 1105 River Road – Map 206, Lot 1 – Zone E (Mixed Use):** Mr. Edkins reported that GKN Aerospace is not represented by anyone at this meeting. Mr. Thibodeau pointed out that the sign dimensions on the application are not correct. The 16-1/4" x 44" is 9' x 3'8". The overall height is 120".

Mrs. Francis would like to ask them about the lighting being on all night. She read a section on illumination of signs from the regulations. Mr. S. Neill replied that GKN Aerospace has a second shift and quite often a third shift. Mr. Edkins pointed out that there is no prohibition on internal lighting for signs. Mr. Lincourt mentioned the upper arrows are pointing in the wrong direction. Mr. D. Neill explained that the arrows are a part of the GKN logo. Mr. Albert St. Pierre stated that a lot of trucks come to their business looking for GKN because there isn't adequate signage there. Trucks just drive by the GKN driveway. They are open 24/7. Mr. Edkins mentioned you cannot even see the building from the road. Mr. Frizzell summarized that the PB would like to have the applicant represented by someone at the next meeting.

**Mr. S. Neill moved to table this Sign Permit application for GKN Aerospace until the next PB meeting on January 19, 2016. Mrs. Smith-Hull seconded the motion. With seven members in favor, the motion was approved.**

**PUBLIC HEARING - NH ELECTRIC CO-OP – Removal of Trees on a Designated Scenic Road – Meany Road – Zone E (Mixed Use):** Mr. Frizzell opened this Public Hearing on the Removal of Trees on a Designated Scenic Road (Meany Road) at 7:26 PM. Many of the PB members looked at the marked trees on an individual basis. Mr. Scott Carlson from the NH Electric Co-op was present. Mr. S. Neill and Mr. Weed, Highway Superintendent, looked at the area and found the trees; the Highway Department is concerned that with the trees being gone the stumps become a hazard during snow plowing. Mr. S. Neill asked how soon they are planning on taking the trees down. Mr. Carlson still has local crews working in the area; they can do the tree removal at any time. Mr. Carlson understands the concerns of the Highway Department. There was discussion about keeping the stumps higher than usual for the winter time as 3 or 4 are close to the road. Mr. Thibodeau suggested they pull the stumps that are too close to the road and in the way of plowing. Mr. S. Neill said Mr. Weed is willing to do that but the Selectboard wanted the power company to take care of it as it is an added expense for the Town. Removing stumps is something the power company is not required to do. Mr. Frizzell suggested the stump removal be left to Mr. Weed and the power company. Mr. S. Neill felt they could live with those 3-to-4 stumps being left higher for this winter if Mr. Weed cannot get to them. There being no other comments Mr. Frizzell closed the Public Hearing at 7:38 PM.

**Mr. Thibodeau moved to allow the New Hampshire Electric Co-op to take the trees down on Meany Road and that Mr. Carlson and Mr. Keith Weed discuss those trees that are deemed too close to the road so Mr. Weed can handle removing them in the spring. Mrs. Francis seconded the motion. With seven members in favor, the motion was approved.**

**PUBLIC HEARING – Proposed Amendment to Zoning Ordinance:** Mr. Frizzell opened the Public Hearing on the Proposed Amendment to the Zoning Ordinance at 7:40 PM. This is language that Mr. Lincourt suggested be added to the General Provisions of the Zoning Ordinance by amending Section 8.4 of the General Provisions by inserting the following as paragraph 8.4.3 and renumbering subsequent paragraphs accordingly.

“8.4.3 – No use shall be permitted which could cause any undue hazard to health, safety or property values or which is offensive to the public because of noise, vibration, dust, particulate matter, radiation, excessive traffic, unsanitary conditions, noxious odor, smoke or other similar reasons.”

It is anti-nuisance language. Mr. Edkins took this language out of the Special Exceptions section of the Zoning Ordinance just as it is now. Mr. Jenkins pointed out that what is offensive to someone might not be offensive to someone else. Mr. Thibodeau said they might have a list of many items and still one could sneak in through the list. Ms. Chaffee suggested it end after “offensive to the public”. Following a discussion by the PB members, it was suggested that “offensive” be changed to “detrimental”. Mrs. Francis stated the wording could be changed to “which is potentially detrimental”. Mr. Edkins thought “potentially detrimental” works better than “offensive”. There being no other comments, Mr. Frizzell closed this Public Hearing at 7:55 PM.

**Mrs. Francis moved approval of the proposed amendment to Section 8.4 of the General Provisions of the Zoning Ordinance for submittal to the voters as reviewed this evening except that the word “offensive” be replaced by “potentially detrimental”. Mr. Lincourt seconded the motion. With seven members in favor, the motion was approved.**

Mr. Albert St. Pierre advised that as one drives up Oxbrook Road it is one of the worst roads in Town for collection of trucks, cars, etc. yet those residents make no noise; it does not apply to them. The word “shall” means that is the law and there is no way around it; yet take a look at the quarry, it makes noise, but the question is how much noise. When St. Pierre blasts they cause vibration yet they never go above the legal limit, or even close to it, but a backhoe digging near it sets that off. This is leaving them with the same problem they have always had. Mr. Thibodeau noted that the Town does have maximum noise levels. Mr. St. Pierre asked what part is in the Zoning Ordinance; he only has this one part to read. People won’t know what they are voting on. Mr. Frizzell mentioned that the PB does a small section at a time. Mr. St. Pierre pointed out that only two members of the public are present at this Public Hearing. Mr. Edkins explained it was published in the newspaper and posted in the customary locations. Mr. St. Pierre said the Town needs a comprehensive plan. Mr. Thibodeau summarized that “shall” is more powerful than “will”.

Mr. Bruce Merrill mentioned Putnam Farms; when you drive down the road there is the noxious odor. Mr. Frizzell explained that this is more for something new they are working on and the PB knows that a particular company will produce something similar to noxious odors. This is just one little part to the entire process. Mr. Edkins will mention this in the Town Report to bring it to the voter’s attention.

Mrs. Francis referred to Mr. St. Pierre when he spoke and asked about the detrimental noise, vibration, etc. The Zoning Ordinance is applied when a member of the community comes to the PB and says they want to add another building to their complex or create a quarry with blasting, the PB can say they are not going to be allowed to create detrimental noise, vibration, dust, etc. If a company has general warnings they can think about how they propose to keep sound levels within a non-detrimental level. The ordinance is a guide to new development but not existing land uses. Mr. Lincourt stated that this kind of a clause is pretty standard with other municipalities to provide some regulations; it may not be perfect.

**PUBLIC HEARING – Proposed Amendments to Drinking Water Protection District Ordinance: Mr. Frizzell opened this Public Hearing on the Proposed Amendments to the Drinking Water Protection District Ordinance at 8:05 PM.** Mr. Edkins pointed out that Mr. Duquette, Water Superintendent, was at the last PB meeting to provide an explanation for this proposed amendment. This was necessitated for the new Bull Run Well #2. The consultants delineated the area of influence for that well. A decision was made to amend the Drinking Water Protection District Ordinance to be sure it covers this area. What is outlined in pink on the map that was distributed is the existing Drinking Water Protection District; what is outlined in orange is the additional area. Some of the orange area overlaps the pink area. It takes in a lot more area than the existing area. Automotive uses, road salt storage; laundry and dry cleaning, on-site production, bulk storage, processing, or recycling of toxic or hazardous materials or waste are

prohibited in the existing Ordinance. They have now deleted these uses from the Prohibited Uses and made them uses that can be allowed with advice and consent of the Water Superintendent. The only prohibited uses are the: 1) On-site disposal or discharge of toxic or hazardous materials or wastes; 2) Single-walled, underground fuel storage tanks; 3) Dumping of snow carried from off-site; 4) Industrial uses which discharge contact type wastes on-site, such as photo-chemicals, radio-active wastes, etc; and 5) Landfills and open dumps.

Mrs. Francis asked what the PB is subject to review and approve and what is the Water Department to review. Mr. Edkins replied all new non residential uses would be subject to PB approval plus Mr. Duquette has to keep checking to make sure they are using Best Management Practices. Mr. Duquette and Mr. Edkins talked to Beaudry Enterprises who will be impacted the most by this amendment. Mr. Bob Beaudry stated that they are not asking Beaudry Enterprises to do anything they do not already do. Mr. Duquette will be doing periodic inspections especially with new uses. The PB would look at new applications on a case-by-case basis with advice of the Water Superintendent. The original Drinking Water Protection District Ordinance was adopted in 1998.

Mr. Frizzell mentioned some inaccuracies on the map; some roads need to be modified. Causeway Road, Borough Road and Cheshire Avenue are incorrect. Mr. Edkins said assuming this amendment gets passed it will go on the Zoning map where the roads are correct. Mrs. Francis pointed out that if this map is going to be used for public information it should be correct. Mr. Edkins will look into having this done.

Mr. St. Pierre commented that this is better than 20 years ago when they just drew a big circle. You can now see where the water is coming from and where it is protected. He pointed out that nothing in this ordinance pertains to North Charlestown. Mr. Edkins responded that there is a Drinking Water Protection Zone in North Charlestown but it is not being changed at this time. Mr. St. Pierre felt the only way they would get this to pass is if they provide a good explanation of the expanded area and the change of uses. Mr. Edkins clarified that the orange area will be in addition to the pink area.

Mrs. Francis asked Mr. Edkins to email a copy of the revised version of the ordinance to the PB members. Mr. St. Pierre asked that one be sent to him as well. There being no other comments, Mr. Frizzell closed this Public Hearing at 8:18 PM.

**Mr. Thibodeau moved to approve this amendment to the Drinking Water Protection District Ordinance as presented and to present this change to the voters. Mr. Lincourt seconded the motion. With six members in favor, the motion was approved. Mr. Jenkins was opposed as he is not comfortable with the elimination of some of the existing prohibited uses.**

**PLANNING & POLICY ISSUES:** Mr. Edkins had no new Planning or Policy issues.

**ADMINISTRATION & CORRESPONDENCE:**

**Wetlands Permit Application:** Mr. Edkins had enclosed a copy of a Wetlands Permit application in the PB packets. The Old #4 Rod, Gun and Snowmobile Club wants to put in a

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hole for a pole in a wetlands area. Their application did not have a plan or specifications attached. As a result the DES returned the application as incomplete.

**Enforcement Issues:** PB members mentioned the following enforcement issues: 1) There are violation issues on Oxbrook Road – it is a shame. There is no Property Maintenance Policy in Town; 2) R & K Service Center has vehicles parked there with no registrations. 3) Relative to the Dollar General Store, Mr. Edkins received most of the documents requested. Still missing is the actual Inspection Report on the Storm Water system and the Sound Study. A member advised that items are still on display outside the store. Mr. Edkins sent Dollar General the last letter on December 9<sup>th</sup>; they had 30 days to comply. PB members encouraged Mr. Edkins to take the next step as soon as possible.

**ADJOURNMENT:**

**There being no other business, Mr. Thibodeau moved to adjourn this meeting. Mrs. Smith-Hull seconded the motion. With seven members in favor, the meeting was adjourned at 8:32 PM.**

Respectfully submitted,  
Regina Borden, Recording Secretary

Minutes Filed: 1-12-16

(**Note:** These are unapproved Minutes. Any corrections will be found in the Minutes of the January 19, 2016, Planning Board meeting.)