

**MINUTES
CHARLESTOWN PLANNING BOARD
NOVEMBER 1, 2016**

Members Present: Robert Frizzell (Chair); Sharon Francis (Vice-Chair); Thomas Cobb (Ex-Officio - late); John Bruno, Richard Lincourt, Doug Neill, Rose Smith-Hull

Alternates Present: James Jenkins

Staff Present: David Edkins – Administrator
Regina Borden – Recording Secretary

CALL TO ORDER & SEATING OF ALTERNATES: Mr. Frizzell called this meeting to order at 7:00 PM. He advised that meetings are recorded and asked that anyone wishing to speak identify themselves for the record. He noted that Thomas Cobb (Ex-Officio) would be late however an alternate member cannot be appointed to sit in his seat and alternate members Patricia Chaffee and Duane Wetherby were not present.

APPROVAL OF MINUTES OF OCTOBER 18, 2016:

Mrs. Francis moved to approve the Minutes of the October 18, 2016, Planning Board meeting, as presented. Mrs. Smith-Hull seconded the motion. Mr. Lincourt pointed out that on page 2, change “10/gallons per minute” to “108/gallons per minute” and add “(in a shallow well)”. With six members in favor, the minutes and amendment were approved.

WHELEN ENGINEERING CO., INC. – 60,000 Sq. Ft. Light Manufacturing Building – Old Claremont Road – Map 106, Lot 4 – Zones F-1 (Industrial/Business) and E (Mixed Use). (Deferred to December 6, 2016, meeting). Mr. Frizzell advised that this application was deferred until the December 6, 2016, meeting.

DONALD & PATRICIA CHABOT and TOWN OF CHARLESTOWN – Boundary Adjustment between Existing Lots – Twin Maples Park & Pinecrest Cemetery – Map 114, Lots 8 & 9 – Zone E (Mixed Use) and Drinking Water Protection. Mr. Neill recused himself as he is a Cemetery Trustee. Mr. Jenkins was asked to sit in his seat. Mr. Edkins explained that this is a Boundary Adjustment along the road that leads into the Pinecrest Cemetery. The owners of the Twin Maples Mobile Home Park came to the Selectboard about a year ago with the need to build a new water line to serve a part of the park. When they were discussing this it was discovered that that water line and some mobile homes were on Town property. The Town agreed to do a Boundary Line Adjustment with the Park owners. The new plan shows the land the Town is conveying to the Park and the land that the Park is conveying to the Town. It will square off that property line. It will put the Park’s water line and their mobile homes on their property so it works well. This is only the first piece of this transaction as it will require Town Meeting approval as well because the Town cannot convey property or accept property without Town Meeting approval. The Planning Board’s approval just states that this Boundary Line

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Adjustment complies with the Town's Planning and Zoning regulations. In addition there would still need to be Deeds. Mrs. Smith-Hull asked if there is money involved. Mr. Edkins responded "no". She asked about attorney's fees, etc. Mr. Edkins replied that the park owners paid for this survey and the fee for recording the plan is minimal; approximately \$50.00. The Town has some graves sites very close to the boundary. The Town's fence will be on Town property rather than the park's property. The park will get a little less than one-quarter of an acre; the Town will get about one-tenth of an acre. This boundary adjustment needs to be done to clean it up.

Mr. Frizzell opened the meeting to the abutters.

Mr. Ouellette asked if Donald and Patricia Chabot also got the Abutters Notices because they are not present. Mr. Edkins replied that they did get the same notice. The Town has to send letters to the abutters by law. This Boundary Adjustment has no impact on Mr. Ouellette's property at all.

Mrs. Sarah Ouellette stated that when they were digging the water line they lost some of their water pressure. Mr. Edkins replied that they will need to contact Mr. Dave Duquette, Superintendent of the Water Department.

Mr. Derek Simpson, an abutter, wanted to caution the Town to be careful when they move forward with this as Lovell Comstock gave the Town land in 1954. He conveyed a triangular piece of land; it is an awkward shape of approximately 165 feet x 75 wide. It could encompass a part of this land. Mr. Simpson has done much research on this. If the Town ever gives up the cemetery property or the use of it, that triangle piece would revert back to the abutters on the easterly side of the road into it. Mr. Edkins had talked to Mr. Simpson prior to this meeting and he has a copy of that Deed as well. The chances of the Town ever selling the cemetery are fairly minimal. He tried to do some research to locate where that triangular piece of land is but he has not yet been successful in making that determination. That road is not a Town road after it goes past Jeff Drive. We have plenty of time as nothing can officially happen on this adjustment until Town Meeting approval takes place. Mr. Simpson questions if the Town can adjust that boundary line until this is resolved. Mr. Edkins said it needs a little more research in terms of actual conveyance but the Planning Board's position is to make the determination that it conforms to the Town's Planning and Zoning regulations which it does. Jeff Drive comes in off the Old Claremont Road and turns to the right; the rest of it is cemetery property. Mr. Bruno asked if that triangle strip was a part of the original conveyance to the Town. Mr. Edkins said it is a piece of it. Mr. Bruno noted that if the triangle is on the westerly side of that road it cannot go back to the abutters on the easterly side of the road. Mr. Simpson referenced copies of several Deeds and sketches going back to 1919. He just wants the Town to do the right thing. This was given to the Town in pieces. This conveyance is still on the record. In the future how the abutters would be impacted? Mr. Bruno feels that if the Deed specifically states that the triangular piece reverts back to the easterly boundary owners then it has to be on the easterly side of the road. If it was on the westerly side of the road it would be the Town's. Mr. Edkins pointed out that it is one of those older Deeds that refers to links and chains

Mrs. Francis appreciates his research and the information Mr. Simpson is bringing before the Planning Board but it is not complete. If it was possible to identify that land this would be the time to do so because they want the voters to get accurate information.

Mr. Edkins will continue to work on this himself but he might have to discuss it with the Town attorney. This is the first step in this process. He noted that the Deed clearly references the cemetery. We need to find out where this triangle of land is. It is in the southwest portion of the land. Mr. Edkins noted that Mr. Simpson is referencing the 1954 Deed and it specifically references the cemetery.

There was continued discussion on the location of this triangular piece of property and the boundary adjustment. Mr. Bruno noted that this was conveyed after the road was conveyed into the cemetery and that the Deed says it would revert back to property on the east side of this triangular piece and that it is on the eastern side of the road. *Tom Cobb came into the meeting.* Mr. Bruno pointed out that we do have a stamped licensed survey on this Boundary Adjustment between Existing Lots.

Mrs. Claire Simpson remembers Mr. Lovell saying many years ago that if ever the cemetery road was given up by the Town the whole road would be given back to all the abutters. She is more concerned with the overall cemetery road.

Mr. Bruno moved to approve the Boundary Adjustment between Existing Lots for Donald and Patricia Chabot and the Town of Charlestown. Mr. Lincourt seconded the motion.

Mr. Simpson objected to the motion. He thinks more research needs to be done. They should investigate this first and then deal with the boundary adjustment at a future date. Mr. Frizzell stated that this does not affect what they are doing now. Mr. Edkins added that the water line was already replaced. All this could be addressed at the Deliberative Session.

Mr. Aare Ilves, Cemetery Trustee, asked for clarification on the 1954 Deed and the cemetery road. Mr. Frizzell noted that the PB members are basing this decision on the recent survey that is stamped by a licensed surveyor.

Vote: With five members in favor, the motion was approved. Mr. Jenkins abstained as he had a problem with not deferring this until the December 6th meeting to allow time for more research. Mr. Cobb abstained as he was not present for all the discussion plus he is on the Selectboard.

Mr. Neill resumed his seat on the PB. Mr. Jenkins resumed his alternate position.

Mr. Edkins pointed out that there will be a Warrant Article to be voted on at Town Meeting in March 2017.

SPRINGFIELD MEDICAL CARE SYSTEMS, INC. – Voluntary Merger of Existing Lots – CEDA Road & Industrial Drive – Map 105, Lots 29 & 29.1 – Zone F-1

(Industrial/Business) & Drinking Water Protection. Mr. Edkins advised that when the PB members approved this Site Plan Review application it encompassed two lots. Now they are combining those two lots back together again. A copy of the tax map was enclosed in the PB packets.

Mr. Lincourt moved to approve the Voluntary Merger of these two existing lots for Springfield Medical Care Systems, Inc. Mr. Bruno seconded the motion. With seven members in favor, the motion was approved.

PLANNING & POLICY ISSUES:

Accessory Dwelling Units: Mr. Edkins had distributed language for “Suggested Zoning Amendments for Accessory Dwelling Units”. He feels this is the simplest way to approach this issue to bring the Town into compliance with the State statute. In zones A, A-2, G-1 and G-2 he added “on a single contiguous foundation or slab”. In Zone D he added “a one or two family dwelling on a single contiguous foundation or slab”. Mr. Lincourt and Mrs. Francis liked this draft. Mrs. Francis does feel that the word “detached” is needed in Zone A. There was discussion about “foundation or slab” and whether or not to use the word “attached” before “on a single contiguous foundation or slab”. The PB members talked about various options. There was a consensus that under 8.5.10.1 – Permitted Uses – that “detached” be deleted and the “s” on dwellings be deleted.

Mr. Steve Neill noted that a part of the State requirement is that the septic system has to be able to handle the new dwelling load. Most new homes have been put up based on three bedrooms. They will have to up-grade their septic systems to add an accessory dwelling unit. He wanted everybody to be aware of this. Mr. Edkins confirmed that property owners will need to obtain a Building Permit and comply with those requirements.

Mr. Lincourt moved to approve this Zoning Amendment for Accessory Dwelling Units with the exception of the word “detached” being removed wherever it appears and deleting the “s” from “dwellings” in 8.5.10.1. Mrs. Smith-Hull seconded the motion. With seven members in favor, the motion was approved.

Mr. Edkins advised that they will have to hold a Public Hearing on this in January or early February 2017.

ADMINISTRATION & CORRESPONDENCE:

Next Meeting: Mr. Edkins reported that as if now there is no new public business for the next meeting. The deadline has already passed. Mr. Frizzell recommended that they wait closer to the next meeting date of November 15th before making a decision as to whether or not to schedule this meeting.

Enforcement Issues: A PB member spoke to the property owner of the Treasure Chest about a huge mirror that was on display outside and with the sun shining on it the glare was hindering some driver’s view. She was going to report it but shortly after it had been removed. She also spoke to him about the outside displays and the owner will speak to the tenant. Mr. Edkins feels

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that the use has not changed but the character has. He will discuss this again with Ms. Chaffee as she is the Enforcement Officer and has researched the files.

Mr. Edkins was asked to follow-up with Lee Hentchel about his new signs. Mr. Edkins said Ms. Chaffee contacted him today about needing Sign Permits.

Replying to a concern about Dr. Fisher's run-off, Mr. Edkins advised that Mr. Weed is pleased with what Dr. Fisher has done. He has a Driveway Permit for the second driveway but does not have to put it in. The mylars will not be recorded until Mr. Edkins has that second Driveway Permit in his files.

Thank You: Mrs. Smith-Hull thanked the Selectboard and Mr. Weed for fixing the sidewalk from Sullivan Street to the Claremont Savings Bank. Mr. S. Neill mentioned that he and Mr. Weed had walked that area of sidewalk prior to it being fixed.

NON-PUBLIC PLANNING BOARD SESSION:

Mr. Frizzell moved that the Planning Board enter into a Non-Public Session pursuant to RSA 91-A:3 II (a) Personnel. Mrs. Smith-Hull seconded the motion. With seven members in favor, the motion was approved at 8:35 PM.

The regular meeting resumed at 8:48 PM.

ADJOURNMENT:

There being no other business, Mr. Bruno moved to adjourn this meeting. Mr. Lincourt seconded the motion. With seven members in favor, meeting was adjourned at 8:49 PM.

Respectfully submitted,
Regina Borden, Recording Secretary

Minutes Filed: 11-7-16

(**Note:** These are unapproved Minutes. Any corrections will be found in the Minutes of the November 15, 2016, Planning Board meeting.)