

**MINUTES
CHARLESTOWN PLANNING BOARD
JUNE 7, 2016**

Members Present: Robert Frizzell (Chair); Sharon Francis (Vice-Chair); John Bruno, Tom Cobb (ex-officio); Richard Lincourt, Douglas Neill, Rose Smith-Hull

Alternates Present: 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 advised that meetings are recorded and asked that anyone wishing to speak identify themselves for the record. Mr. Frizzell advised that the full Board is present therefore there is no need to call upon alternate members.

APPROVAL OF MINUTES OF MAY 17, 2016:

Mr. Lincourt moved to approve the Minutes of the May 17, 2016, Planning Board meeting, as presented. Mrs. Smith-Hull seconded the motion. With seven members in favor, the Minutes were approved.

JAYSON DUNBAR, cont'd – Four (4) Unit Multi-Family Dwelling – SE Corner of Main Street & Paris Avenue – Map 119, Lot 26 – Zone A (Town Center Residential/ Professional): Mr. Edkins had another request from Mr. Dunbar to defer this application until the next meeting. He has a meeting with the applicant and architect on Friday morning. There have been some negotiations with abutters. There is a possibility that this application might be withdrawn and another application for a similar use submitted in its place.

Mrs. Francis moved to defer this application for Jayson Dunbar until the June 21, 2016, Planning Board meeting. Mrs. Smith-Hull seconded the motion. With seven members in favor, the motion was approved.

LYNN FISHER – Two (2) Lot Subdivision and Boundary Adjustment – 338 & 440 Borough Road – Map 214, Lots 16 & 18 – Zone D (Watershed): Mr. Bruno recused himself from this Agenda item due to a conflict of interest. Mr. Frizzell asked alternate member, Mr. Wetherby, to sit on the Board for Mr. Bruno. Mr. Travis Royce represented the applicant, Lynn Fisher, who was unable to attend this meeting. Mr. Royce explained the plan as presented. On the upper left hand corner 5.04 acres with the house (Lot #1) will be taken out of the remaining piece of about 56 acres. There will be 229 feet of frontage on the Borough Road. The remaining land is about 51.25 acres. A little less than one-third of an acre will be annexed from the abutting lot to provide road frontage to the remaining land. It will have approximately 218 feet of frontage on the Borough Road. Both lots are owned by Lynn Fisher. Each lot has the area for septic systems and test pits were done. There are three circles on the plan for the well radiuses.

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One is the existing well and the other two are potential locations if wells were needed for each property.

Mrs. Francis stated that this map is hard to understand. It lists adjacent property owners but it does not identify where their property lines and dwellings are. Customarily they have a blow-up of the tax map that shows boundaries. It would be helpful for the neighbors to see how the proposed subdivision relates to the places they own other than the subject parcel itself. Mr. Royce feels one thing that would be helpful would be to label the Borough Road. These are the abutters on the east side of the road. Nothing is changing with the 51+ acres. The abutters are in their spots. On the blow-up there is a 50-foot right-of-way access to the Hunt property.

Mrs. Francis referenced Lot #1 and asked why it does not have a straighter boundary on the south side. Mr. Royce explained that it would create a land locked parcel. Mr. Frizzell pointed out that it is a complicated plan that they must have put a lot of thought into.

Mr. Edkins provided some background. Dr. Fisher came to the Building Inspector to request a Building Permit to put an apartment in the existing barn but he was told he cannot do that because there are regulations that will not allow two separate dwelling units on the same lot so he is separating the two buildings onto separate lots. This plan meets all the requirements.

Mr. Thomas Adams, an abutter, asked where the driveway will be to the barn. Mr. Royce replied that they are planning on using the existing driveway to the barn. If necessary another driveway could be put next to the existing one. Mr. Frizzell pointed out that Dr. Fisher would be required to get a Driveway Permit for another driveway. Mr. Adams mentioned that if they do that there will not be enough room between the house and barn. Who will maintain the new driveway? Mr. Frizzell said the PB tries to avoid shared driveways. They can use a shared driveway but there will have to be a Driveway Permit in case something happens in the future. Mr. Royce noted that the Hunt and Fisher properties currently share the driveway at the entrance. Mrs. Francis asked if there is enough room for two driveways between the house lot and the new barn dwelling. Mr. Royce pointed out that they have the existing well but they have about 60-feet between the property line and that area. The 4,000 square foot area is enough for six leach fields. The house lot has the existing driveway. Mr. Frizzell asked Mr. Royce what he could do to make the plan more understandable. Mr. Royce explained that he blew-up the plan as much as he could; there is a lot going on. Mr. Edkins advised that there is nothing that says they have to create that new driveway but they have to have obtained that Driveway Permit from the Highway Superintendent, Keith Weed.

Mr. Barry Groton lives across the road from this proposed subdivision and has several concerns with his well and Dr. Fisher's septic system; if you measure from where the septic system is going in to Mr. Groton's well it is about 73-feet. The septic system will be up-hill from his well therefore it could have an impact on his water supply. Mr. Royce replied that the test pit is well beyond the Hunt's driveway. It is beyond the 75-feet. Mr. Groton would like to see where the drain field is going to be. The drainage from the Hunt's driveway and the Fisher's driveway has no place to go. When it rains hard it comes right across the road; he has had water in his basement. He had reported this to Mr. Weed but nothing has been done. The Town owns the road so they are responsible for the drainage. He understands that the barn is considered a

historic barn therefore Dr. Fisher has not been paying any taxes on it. Mr. Edkins said there is a provision for tax abatements for historic agricultural barns/structures but this barn does not have that status. The owner would have to apply to the Selectboard for this tax break and he has not done so. Mr. Groton is also concerned about the impact this will have on his property value. This is a designated scenic road. On the Fisher property there are trailers parked; they are eye sores. Dr. Fisher took the old part of his house down; the demo was coming across the road onto the Groton property. Mr. Edkins noted that demo would require a permit and he does not know if Dr. Fisher applied for it; there should have been an asbestos evaluation done. He will look into that. On the south end of the Groton property there is a culvert where Dr. Fisher has dumped a lot of material into it causing drainage problems. He reported it multiple times but nothing was done about it. There is not a good relationship between the neighbors and Dr. Fisher especially Mr. Groton because he lives across the road.

Mr. Pat Whelen said Dr. Fisher has been dumping a lot of refuse on the property. There are drainage problems.

Mr. Neil Chapin feels the same way as the other abutters. A lot of what Dr. Fisher is doing is changing the nature of where they live and it will affect the values of their homes. There might have been asbestos and/or lead paint in the demo. A pile of burned demo had shingles in it. Mr. Groton noted that the smoke went right across to his property and horses. Dr. Fisher has no consideration for his neighbors. Mr. Chapin feels this subdivision is for monetary gain only. It was a farm and now he is trying to squeeze two lots out of one lot. They are all on the same aquifer; he is not in favor of this subdivision.

Mr. Bill Fidar stopped one time and the carpenter said they were just putting wood in the barn but now he heard it was going to be apartments.

Mr. Albert Gauthier does not feel this is right. He does not approve of putting something else there. That property should remain a farm. Mr. Frizzell stated that the PB has to abide by the rules they have and they do allow subdivisions.

Mr. Edkins clarified that the scenic road designation only applies to the power companies and the Town itself. They cannot cut trees larger than a certain diameter or remove stone walls without the approval of the PB. They also need good reason for doing that. It does not have any impact on what private property owners do to their properties.

Mr. Roger Williams is concerned for the same reasons already mentioned including the septic and the leach field. He is familiar with the drainage issues. He works at home over the internet and loses his connection quite often. His telephone representative tells him that Dr. Fisher's electric fence is not up to specs because it is not shielded. It interferes with the signal.

Mrs. Liz Morway came with Mr. Adams. She is worried about when he goes to re-sell his property. She asked if Dr. Fisher could subdivide the 51 acre parcel. Mr. Frizzell noted that it is not the PB's job to tell people how to do things. What he does in the future is not a part of this application.

Mrs. Francis went back to when the Town adopted the Watershed Zone with minimum 5 acre parcels; at that time George Moulton was chair of the PB. It was to protect the natural function of nature. What she is hearing from the people present at this meeting is that there is a lack of confidence that the property owner will follow through the fine-tuning involved in putting this all together to meet the regulations. She read Section 4.2.5 of the Subdivision Ordinance Purposes. The comments made at this meeting help the PB members understand how to look at this subdivision. Mr. Bruno pointed out that the septic systems will have to meet the State of New Hampshire, Department of Environmental Services, regulations and they will need to secure a permit from the DES. Mr. Royce used the same criteria as other subdivision applications he has brought before the PB in the past. Some statements tonight are related to the owner and not the land. Mr. Edkins asked if there is an existing septic system that services the house. Mr. Royce replied that there is one on the north side of the house. If the subdivision does not go through there still would be the potential of a location for the house.

Mr. Adams mentioned that the septic system for the house is fairly new. If the septic system fails how are they going to do everything? They need drainage as everything flows down to the other houses. Some PB members felt they should address drainage. Mr. Royce asked if they need to address existing conditions. The only thing that would affect drainage is the potential driveway that might or might not be installed but the PB wants them to have a Driveway Permit. Mr. Frizzell asked if the members want an engineer's report as to what is happening and what can be done. Mrs. Smith-Hull mentioned the Town is not doing their job when Mr. Groton called and nothing was done about the drainage. Is it a Town problem or the property owner's problem? Mr. Cobb advised that water will come down a hill, it has to go somewhere; it is a civil matter. Property owners are responsible for water coming off their property. The discussion continued about the drainage issues.

Mrs. Francis advised that surface drainage issues are within their purview; she read a section of the ordinance pertaining to this matter. Mr. Royce advised that he is not qualified to address the drainage. There is no proposed change to the driveway. Mr. Frizzell noted that quite often new driveways require a culvert for drainage. Mr. Lincourt heard the concerns of the abutters/neighbors and is sympathetic to them but with the subdivision they have to look at what effect will come out of it. They can stipulate that the subdivision cannot make the drainage any worse. He does not feel that the PB can stipulate any condition with regards to what exists there today.

Mr. Edkins summarized that the Demolition Permit and the burning of demo is a concern. As a minimum they would require the applicant to get a Driveway Permit for the new lot. Perhaps when Mr. Weed is up there for this he could look at the drainage issues to see if he can make any recommendations and what the Town can do. He will talk to Mr. Weed about this.

Mrs. Francis read a section of the regulations pertaining to the lay-out of a lot. They apply to any subdivision. If there is an existing problem this may be the opportunity to do the design to prevent future problems. Mrs. Smith-Hull asked if this will be a bigger septic system because it is an apartment house. Mr. Royce replied that there is not any proposal as far as this application goes. Mr. Edkins stated that under the zoning regulations there can only be one dwelling unit per lot permitted in Zone "D".

Mr. Frizzell summarized that the PB members have enough information and things to work on until the next PB meeting.

Mr. Edkins advised that the Town of Charlestown took parcel #214, lot #6, for unpaid property taxes. Some questions have been raised as to the ownership of that property and if it should have been taken because the ownership of that Deed and the adjacent property owner do not match up with the plans that are recorded therefore they need to do more research. There is a discrepancy between the Deeds of those two properties and the subdivision plans that created those lots.

Mrs. Smith-Hull moved to continue this subdivision application for Lynn Fisher until the next meeting on June 21, 2016. Mrs. Francis seconded the motion.

Mr. Royce asked for clarification. Mr. Edkins stated that Mr. Royce should talk to Mr. Weed about a Driveway Permit for the barn lot and while Mr. Weed is there ask if he can do anything about the drainage issues. Mr. Frizzell suggested he go back to the client so he is aware of what was brought up at this meeting.

Vote: With seven members in favor, the motion was approved.

Mr. Bruno returned to his seat on the PB and Mr. Wetherby resumed his seat as an alternate.

From 8:35 PM to 8:40 PM the PB members took a short break.

PLANNING & POLICY ISSUES:

Mr. Edkins had no new Planning or Policy issues for this meeting.

ADMINISTRATION & CORRESPONDENCE:

Route 12 Project: Mr. Edkins reminded the PB members that there is a Public Hearing tomorrow night on the re-design of the Route 12 Project. It will be held at the Elementary School in North Walpole. The doors will open at 6:30 PM to look at the plans and the Public Hearing will start at 7:00 PM.

Sullivan County: A letter was received from the Sullivan County announcing that they have hired a new field specialist in community and economic development who will be joining the University of New Hampshire Cooperative Extension (UNHCE) office in Newport the week of June 6, 2016. The Selectboard plans to invite her to attend a meeting to see what she can offer in terms of services and assistance to CEDA. A copy of the letter was sent to CEDA. The PB members will be invited to attend.

Enforcement Issues: The following enforcement issues were brought up by two PB members:

- The Mahafee Metal Works now has a new sign; Mr. Edkins will check on that.
- Fort #4 had a lot of signs around Town recently advertising events this week-end. Mr. Edkins advised that they do not need a permit as it is a community event and they are non-profit. They can put signs up only two weeks before an event and have to remove the signs two days after the event.

ADJOURNMENT:

There being no other business, Mrs. Smith-Hull moved to adjourn this meeting. Mr. Bruno seconded the motion. With seven members in favor, the meeting was adjourned at 8:46 PM.

Respectfully submitted,
Regina Borden, Recording Secretary

Minutes Filed: 6-14-16

(**Note:** These are unapproved Minutes. Any corrections will be found in the Minutes of the June 21, 2016, Planning Board meeting.)

UNAPPROVED