

**TOWN OF CHARLESTOWN
ZONING BOARD OF ADJUSTMENT
MINUTES
May 20, 2010**

Members Present: Terri Fisk (Chair); Andy Jellie (Vice-Chair); Kenneth Arkell (Clerk);
Barbara Jones, Kenneth Place

Alternates Present: Harold Ames

CALL TO ORDER: Ms. Fisk called the meeting to order at 7:00 PM in the Selectboard Office in the “Bakery Building”. She noted that a full Board was present therefore there was no need to seat an Alternate. Mrs. Jones term has expired but she will remain seated on the Board until a replacement is named by the Selectboard. Ms. Fisk thanked Mrs. Jones for her 23 years of service on the ZBA.

APPROVAL OF MINUTES OF JULY 23, 2009:

Mrs. Jones moved to approve the Minutes of the July 23, 2009 meeting as printed. Mr. Arkell seconded the motion. Mr. Arkell noted that the Rivette garage roof line does not match the house; the Minutes accurately describe what was said but he does not feel that it turned out as described. With five members in favor, the Minutes were approved.

ZBA 01 (SE)-2010 – Petition of the Town of Charlestown for property located on Claremont Road (NH Route 12) wherein a Special Exception pursuant to Section 8.4.7 of the Zoning Ordinance is requested to permit the construction of a 30’ x 80’ building for use as a municipal Police Station. Said property is shown on Tax Map 117 as Lot 56 and lies in Zone E (Mixed Use): Mr. Neill was present on behalf of the Selectboard. The application, plans and map were included in the packets. Ms. Fisk outlined that the ZBA is being asked to determine if the use of the land or building is permitted and/or subject to specific conditions that are set forth in the ordinance. The specific conditions are listed in Section 8.10. The Selectboard wrote their answers to the three criteria on the application. Mr. Edkins explained that State law exempts municipal facilities from local planning and zoning regulations but State law does require a non-binding review by the Planning Board (PB) where they could hold a Public Hearing, review the application and issue non-binding recommendations but have no binding regulatory authority. This PB meeting has already taken place; they have decided not to hold a Public Hearing on the application but want to keep apprised of the process as it moves along. However the Town’s Ordinance contains a provision that specifically makes it applicable to municipal buildings – 8.4.7. The Municipal Association attorneys agreed that ordinarily a municipal building such as this would be exempt from local zoning regulations except that in this case the local ordinance specifically makes it applicable so the Town must follow it. The Town needs to show that this meets the three criteria in Section 8.10.

Mrs. Jones noticed that the building will not be completed 100%; will the sally port be usable. Mr. Neill responded that it would be. Mr. Edkins said it will have an unfinished basement.

The Board reviewed the criteria for granting a Special Exception and the applicant's response to each as follows:

Criteria 1: “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.”

Town: As an office type municipal facility with no manufacturing or other production activities, the Police Station will have no hazardous or unhealthful emissions of noise, vibration, dust, particulate matter, radiation, noxious odors, or smoke. The facility will have access via existing driveways from a maintained state highway and will not generate excessive traffic. Municipal sewer service will be utilized and proper solid waste disposal facilities and practices will result in no unsanitary conditions of any kind. There are also no nearby residences which might be disturbed by the activities of the Police Department's daily routine.

Ms. Fisk noted that it will be next to the Fire Station that has similar services. There were no other comments or concerns.

Criteria 2: “Sufficient off-street parking shall be provided to allow 300 square feet for each two anticipated patrons or employees on the premises at the same time.”

Town: It is anticipated that no more than 6 persons including staff and visitors (voluntary or otherwise) will routinely be on the premises at any one time. This results in a parking requirement of 900 square feet (6/2 x 300=900). The proposed plan provides 2,160 square feet of parking space; a total of 12 designated spaces including 3 spaces for police vehicles, 2 handicapped spaces and 7 regular spaces in addition to 2 indoor “sally port” spaces. There is ample additional space for overflow parking on the site

There were no other comments or concerns.

Criteria 3: “All setback regulations shall be complied with. All known abutters of any proposed special exception site shall be notified by the Board of Adjustment by certified mail at least one week prior to any public hearing regarding the special exception. The names and addresses of the known abutters shall be supplied by the applicant on a plat plan to be submitted by the Board of Adjustment.”

Town: The proposed building complies with all setback requirements. The names and addresses of all abutters to the site have been provided and these abutters were notified of the public hearing by certified mail at least seven days prior to the hearing.

There were no other comments or concerns.

Mr. Arkell moved to grant the Special Exception for the Town of Charlestown to permit the construction of a 30' x 80' building for use as a municipal Police Station.

Mrs. Jones seconded the motion. With five members in favor, the motion was approved.

OTHER BUSINESS:

Poisson Property in South Charlestown: Mr. Edkins explained that copies of the recent letter to Mr. Poisson were sent to the ZBA members to keep them informed of enforcement matters. The tires have been removed. Mr. Poisson assured Mr. Edkins that the mobile home would be removed from the site within two weeks following his return from an out-of-state trip.

Brian Rivette (applicant) and Timothy & June Martinetto (owners): Mr. Arkell mentioned that Mr. Rivette had stated during the July 23, 2009, meeting that the garage would be placed to be in line with the house and that it would match the house but the garage roof pitch looks like it is an A-frame. It does not have the same roof line to match the house. Ms. Fisk noted that on page 2 of the Minutes, first full paragraph, Mr. Rivette said “the buildings would be lined up” but she feels he meant the base. Mr. Jellie agreed; he talked about lining up the base rather than the roof line. Ms. Fisk feels these issues should be brought up for clarification. Mr. Edkins has not received any complaints from the neighbors.

State Statute Books: Mr. Edkins distributed the 2010 State Statute books.

ADMINISTRATION & CORRESPONDENCE:

Alternate Positions: Mr. Edkins advised that the vacant Alternate positions are advertised. These appointments are made by the Selectboard.

ADJOURNMENT:

There being no other business, Mr. Jellie moved to adjourn. Mr. Arkell seconded the motion, with five members in favor, the motion was approved. The time was 7:20 PM.

Prepared from tape recordings by:
Regina Borden, Recording Secretary

Minutes Filed: 5-21-10

(**Note:** These are unapproved minutes. Corrections, if necessary, may be found in the minutes of the next ZBA meeting.)