

Charlestown Planning Board
Community Room
May 21, 2019 7 pm

Planning Board Present: Robert Frizzell, Chair; Steven Neill, Ex-Officio; Sharon Francis, Vice Chair; Rosie Smith-Hull; Dick Lincourt, Terry Spilsbury
Planning Board Absent: Douglas Neill
Alternates Present: Patricia Chaffee
Staff Present: Steven Schneider

Called to order by Mr. Frizzell at 7 pm.

Patricia Chaffee was seated for Douglas Neill

Minutes of 5/7/19 minutes with changes as follows:

[Pg 3, Motion by Mrs. Francis include "to advise Mr. Schneider". Following paragraph, change Mr. Fowle to Mr. Fowler]

Motion by Mrs. Smith Hull, Second by Mrs. Francis. All in favor.

Charles St.Pierre of St.Pierre Inc. present to address current draft of blasting regulation. Mr. St.Pierre introduced Joe Taber from Maine Drilling and Blasting. Mr. Taber has extensive experience with major blasting sites, the measures that need to be taken to insure safety for abutters, and compliance with State of NH and Federal regulations. Mr. Taber is present to add clarity to the draft Blasting Regulation being put forth for Charlestown. From an operations standpoint, he recognized that there is a lot of overlap between the draft Charlestown regulation and state regulations. The NFPA 495 Explosive Materials Code is a good standard that many municipalities use. This code enables towns to keep up to date on standards at state and federal levels.

Specific notations from Mr. Taber:

- Regarding work detail on page 2, with fire chief as inspector. Maine Drilling and Blasting does not see work details in NH. It is prohibitively costly. Alternative is for MDB and such companies serve local fire departments with training before being on site.
- Pre blast condition survey, paragraph B, page 2. Requiring 1000 ft for pre-blast survey. State law is 100 feet. MBD does 300 feet as a goal. Further distance on

as needed basis for large jobs and quarry operations. It can double the cost of project to go 1000 ft. Charlestown board could consider a scale for larger projects vs small homes etc.

- Pg 3, paragraph C. Seismic measuring devices within half mile. MDB does put them out ½ mile. The wording that every property will have one -- it is not feasible for every property. Blasting companies move them around to get a sample of conditions. NFPA 495 covers seismic tracking. Industry follows the NFPA guidelines.
- In the section regarding requiring a geological survey. There is no reason for a geological survey, has nothing to do with blasting services -- Blasters will do core samples, for the specific job.
- Pg 4, paragraph F. Horns to be heard ½ mile. Per Mr. Taber, a typical horn is to notify the immediate blast site. ½ mile is difficult to carry horn signal sound. A more effective solution is a call list of abutters and anyone else requesting to be notified of an upcoming blast.
- Paragraph G. All blasts to have matting. NFPA leaves it up to blaster that nothing will leave site. Some places in middle of nowhere don't need any additional protection, but housing developments might. No company wants rock to leave the site, safety is the first concern, always.
- Enforcement does not list penalties or who enforces.
- Timelines. 15 day notice for pre-blast surveys, 10 days to start. Large jobs might need this kind of timeline, but small jobs might not have that kind of time.
- Appendix A Seismograph specifications. NFPA 11.1.3 and 11.1.4 has changes/updates. Office of Service Mines has generally been replaced by US Bureau of Mines. Records are allowed to be electronic.

Mr. Lincourt asked Mr. Taber if he could make these suggestion revisions in writing? Yes, per Mr. Taber. Many are in the NFPA. Selectboard intends to have a public hearing and must give 10 day notice. Aiming for June 5 or 19. Mr. Taber can have suggestions to the Planning Board by beginning of next week.

Minor Site Plan Review -- TCobb LLC, 200 Main St., Tax Map 118, Lot 83, Zone B

Mr. Cobb displayed mock up. Entry on N end of parking lot. Direct traffic onto depot street. Adding guardrails, wooden, down half way of parking spaces turning down Depot St., garden on side for community to plant. Deck on length of building. Patio on side. Intend to make deck wrap around including handicapped ramp. Trash out back -- 55 gallon barrels. Renters are responsible. Geothermal gridding in ground is possible.

Four independent entrances. No common area in the building. There are provisions to make bigger spaces. Two middle sections will not have second egress; will be built to code, per Mr. Cobb. 45 ft from building to sidewalk. 39 ft from deck to sidewalk. 20 ft from deck and parking. Measured out for a standard vehicle to back up. 17 ft is standard per Mr. Cobb. 18X9 parking space is standard, 14X7 is still within guidelines. Deck is 6 ft wide, ADA is 60 clear inches to turn around. Intention is to maintain a clear space.

Mr. Lincourt acknowledged that a site plan isn't necessary, but that tenants must come before the board for a review. Mr. Cobb feels that it is not necessary for his plan to come before the board, and that tenants are not required either -- noted 8.4.1 of Planning Board rules.

Are you responsible for removal of contaminants? Yes, TCobb LLC is responsible. Where is that process? TCobb, LLC has map of where contaminants are. Small area to edge of Depot St, about 15 feet off building. KAS Engineering out of VT has been hired, Sam Driver is the engineer. Tom Fargo from State of NH has approved plan. State has money earmarked for this site. There are two ways of dealing with the cleanup -- chemical injection, taking 3-6 years to clean site, or, immediate removal. Immediate removal is requested. By middle of August, looking to close Depot St. to excavate soil. The top 6-8' top is clean and will be stockpiled for reuse on site, next layer will be trucked away. Refilled with clean material. All documentation be filed with town from state and engineering company. Available through the state currently. TCobb, LLC will have it on the tax card for future owners.

Mrs. Francis asked why wide entrance off main st. is being maintained? No intention to close the access, since if it is closed now, State will not allow more access. It adds value to the property. Could add an additional parking space if documented to be able to remove that space as needed.

Mr. Spilsbury. All other space in forecourt towards Main St. and side be paved? No, it will be bluestone. Discussion regarding reversing traffic pattern.

Do we have enough information for completeness? Abutters have been notified. Discrepancies in packet. Pg 4 and 5 includes a list of 7 abutters. Charlie and Judy Baraly were added. 6 were listed originally at \$10, should be 7.

Mr. Schneider is in charge of completeness. He recommends that yes, this is complete and that Planning Board should accept. Then, move on to review proposals.

Per Mr. Lincourt, without an estimate of customer traffic, number of employees, Board cannot give a blanket approval for any tenant who may come in. Mr. T Cobb revisited 8.4.1 -- any lawful use of building or land may continue or change its use though it is contrary to its ordinance and may be permitted. Mr. T Cobb notes that the building was there before the ordinance, so he feels that plan should be able to continue. Mr. Spilsbury notes that there was a change in ownership, there was a lapse in usage. The plan is simple, it is complete. Vote for completeness because we have enough info for site, however each tenant must come before the board with a plan. Should be simple approval for the tenants, but we do not know until we know the nature of the business, traffic, signage, etc. We expect that tenants will come in. There is precedent in town that this happen. Asked that applicant acknowledge that tenants will come before board.

Motion by Mrs. Francis to approve the completeness of TCobb LLC application for a minor site plan at 200 Main St. Second by Mrs. Smith -Hull. Opposed by Mr. Lincourt. All others in favor. Dissent for reason that the nature of the future business as required by minor site plan checklist is unknown.

Discussion of

- outside vending machines
- exterior displays for tenants
- potential vehicle sales
- hours of operation

Mr. T Cobb does not want to limit tenants. Discussion illustrates why planning board needs to hear from potential tenants, per Mr. Spilsbury.

Discussion of filling in swail on North edge of property.

Discussion of reversing traffic pattern. Through discussion, determined that current plan is best plan.

What provision says tenants must come in? Mrs. Francis advises that the board ensures safe use of property and compatibility with Main St., Depot St., and neighborhood. Mr. Lincourt acknowledges that 5.5.1c says any change of site that changes character of property allows planning board to require tenant to come in with a plan. Mr. Spilsbury notes that he would like an explicit condition of approval is that tenants will be coming before the planning board. Precedent in town was set with the

bakery in the laundromat. Owner of bakery had to come before board even though building was in use.

Mr Lesels notes that the Master plan does not currently address this issue. He acknowledges that tenants must come before the board, and that the Town must be very careful to advocate properly.

Mr. Cobb. Acknowledges need for master plan. Requests that this site plan includes amendment to say that tenants will abide by town ordinances but do not need to come before the board with a plan.

Mr. Spilsbury noted that completeness cannot be done, as the Board does not have info on specific usage. At this stage, it would be impossible to give this info. Quid pro quo is why we need them to come in. Approval can be given for the minor site plan knowing that the remaining info needed on the application would be approved upon a plan by each tenant.

Mrs. Francis created a list of conditions to discuss.

- Individual business come before board.
- Overall sign must come before the board and individual signs of business must come for approval
- Business operations would be from 7 am to 10 pm, but not all night
- Lighting be as shown on design by applicant.
- No exteriors displays of merchandise
- No vending machines
- Contamination plan and approval be provided to the town as part of the towns file on this property as well as any changes that may occur.

Motion by Mr. Lincourt to approve minor site plan application of TCobb, LLC with following provisions: That prospective tenant be required to come in for minor site plan review if required by the site plan regulations, and that there be no outside display of merchandise. Second by Ms. Chaffee.

-Add hours of operation as 7am-10pm by Mrs. Francis. Discussion ensued, determined that no hours would be included, but left to individuals.

-Mr. S Neill questioned the Blue stone parking/driveway. How are parking spaces delineated? Size of parking spot is 9X15, but is not shown on mock up. Needs to be added. Accepted by Mr. Lincourt and Ms. Chaffee, added to **motion**.

-Per Ms. Francis, add amendment that no vending machines be allowed. Second by Mr. Spilsbury. All in favor of amendment to not allow outside vending machine?

Discussion ensued.

Mr. Spilsbury advised that plan is complete for a minor site plan of a building with four units with four tenants that must come before approval. Vending or used cars are fifth and sixth prospective business. In future, if a tenant comes with request to add a vending machine as a part of the business plan, that would be discussed.

8.4.1 building was there before ordinance, is allowed to continue to operate. Use has changed per Mrs. Francis and Mr. Lincourt, 5.1c. Mr. Schneider states that the business must comply with site plans. Zoned for all business subject to site plan review.

Motion to add amendment that exterior vending machines are not allowed. In favor -- Mrs. Francis and Mr. Spilsbury. Nay by Ms. Chaffee, Mr. Lincourt, Mrs. Smith-Hull, Mr. S. Neill, motion failed to add condition no vending.

Motion by Mr. Spilsbury. Amend motion to add condition that sale of used vehicles is a prohibited business, which is to be consistent with no exterior display of merchandise. Second by Mr. S Neill. In favor Mr. S Neill, Mr. Spilsbury, Mrs. Francis. Opposed Mrs. Smith-Hull, Mr. Lincourt, Ms. Chaffee.

Motion to approve minor site plan by TCobb LLC at 200 Main St with condition that tenants must come before the board, outside vending machines are not allowed, parking space sizes must be added to site plan. In favor, Mr. S Neill, Mrs. Francis, Mr. Lincourt, Mr. Spilsbury. Opposed Mrs. Smith-Hull. Opposition because Mrs. Smith-Hull does not agree with inability of tenants to roll outside display in or out.

Location of signage. Tall sign post on guardrail. Sign permit was not submitted, however payment was submitted with minor site plan application. Will this be applied later when sign information is accumulated and applied for. Yes.

Parking space delineation will need to be discussed in future due to surface of lot.

Planning and Policy Issues:

Administration and Correspondence:

Anything else to be brought before the meeting? Lot line adjustment to come before the next meeting.

108 Northwest St. needs to be checked for vehicles. Who is code enforcer?

From the Town shed, up Southwest St., hired sweeper did poor job.

Motion to adjourn by Mr. Lincourt, second by Mrs. Smith-Hull. All in favor.

Meeting adjourned at 9:37 pm.

Respectfully Submitted,
Alissa Bascom

(Note: These are unapproved Minutes. Corrections, if necessary, will be found in the Minutes of the June 4, 2019 meeting.)