

## CENTER HARBOR PLANNING BOARD

Tuesday, January 6, 2009

The meeting of the Center Harbor Planning Board was called to order at 7:00 P.M. by Chairman Lee Mattson. Those present were: Helen Heiner, Barbara Lauterbach, Charley Hanson, Dari Sassan, and clerk Sheila Mohan.

I. Minutes. The Minutes of December 16, 2008 were approved with the correction of three typographical errors.

II. Christine Maxfield – Discuss Signage for Harbor Centre LLC Building. TML #9-78. Ms. Maxfield explained that the wine shop has moved out of her building and a dentist will be moving in. A representative from Omni signs measured the existing signage which is 240 square feet. The maximum square footage approved for this property is 236. The new tenant will use some of the space on the marquee sign located on the Route 25 side of the building. Ms. Maxfield wanted to discuss Note 4a. and 4c. with the Planning Board. Note 4a. states, “All signs shall be made of wood with a black smaltz background and gold lettering”; 4c. states, “The owner shall forbid additional signage by the tenants with a lease restriction, including the prohibition of signs posted in windows that are visible from roadways.” Ms. Maxfield said that she did not realize that there were restrictions on the property; she wanted to know if the restrictions were something that Chris Tremblay, the previous owner, added to the plan or if the restrictions came from town ordinances. Lee Mattson said that if the owner put the restrictions on they would have to give permission to remove them. It was suggested that Ms. Maxfield get advice from her attorney to see if the previous owner can enforce the restrictions. Ms. Maxfield would need a NRSPR to remove the restrictions from the recorded plan.

III. Public Hearing – Petitioned Zoning Ordinance Change Regarding Boat Houses. The Public Hearing began at 7:17 P.M. The current ordinance, Section 9:4 third paragraph 3 reads, “Private boat houses may be located within the required setback area on any lot which borders a water body, on that side adjacent to the water. (See Section 2 Definition).” The petitioned change would read, “Boat houses located in or over the water, including dredged inlets, will not be approved. (See Section 2 Definition).” Kent Warner stated that this has come around a couple of times before. Other towns around the lake do not allow boat houses. Mr. Warner said that Moultonborough, Sandwich and Holderness have ordinances similar to this. Lee Mattson explained that the Planning Board could not change the gist of the warrant article, but could make “housekeeping” changes. We can add, “To replace Section 9:4 paragraph 3 with the following, ‘Boat houses located in or over the water, including dredged inlets, will not be approved.’” Mr. Warner said that boat houses cause degradation of water quality, milfoil tends to grow around boat houses and studies show that cutting into the shoreline tends to degrade the area. Charley Hanson said that he does not feel that it is a good policy to out right ban things; he understands the concerns for water quality and feels that people putting their boats in and out of the lakes helps to spread milfoil. Mr. Hanson would like to see the study information that Mr. Warner referenced. Mr. Warner said that he would get the study information to Mr. Hanson. Mark Stearns said that the State allows boathouses and

with this we would be more strict. Lee Mattson said that twenty years ago boat houses were built out over the lake, then they were built into the shoreline because it was thought that that would be an environmental improvement; Mr. Mattson feels that this is worse and is in favor of the petitioned warrant article. Helen Heiner said that with the new Shoreline Protection Act it is more difficult to get an approval from the State for boat houses and docks. The Conservation Commission is trying to pay more attention to these issues. Kent Warner said that it all comes down to water quality and the degradation of the shoreline. Lee Mattson explained that the Planning Board does not pass these ordinances. The Board holds a Public Hearing and takes a vote to support the change or not. Dari Sassan said that it would be an extreme exception for a boat house to not have a negative effect on the environment; the State Shoreline Protection Act takes steps to protect water bodies but when it comes to the shoreline the towns have to influence the methods of protection. Mr. Sassan suggested that a policy like this might be the change the town needs. Mark Stearns feels that if a person buys on the lake they should be able to do what they want; they will be watched by the State and they wouldn't put something there that would ruin the shoreline that they bought. Lee Mattson announced that the Hearing would remain open until 8:17 P.M. if anyone wanted to add anything.

IV. Worksession – NH Music Festival. Mike Izard from Lakes Region Planning Commission, Rob Turpin and Adam Morton from Misiaszek Turpin PLLC were present for this worksession. The Planning Board has asked LRPC for assistance with the review of the NH Music Festival Plans. Mike Izard submitted his report to the Board. Mr. Izard said that he reviewed the plan that was submitted, for compliance with the Town's regulations and broke his report into categories. In the Compliance Review, Mr. Izard said that there was a complete boundary survey done in the late 1990s. Rob Turpin said that the survey was done by Steve Smith, it was stamped and recorded in the Belknap County Registry of Deeds. Lee Mattson said that he feels that a Special Exception should be obtained for the height and use of the building. A Special Exception was granted in 2001 but was not acted upon. Section 8:1:1:4 states that if a Special Exception is not utilized within a one year period it shall expire. Rob Turpin said that he has the drawings and paperwork ready for a ZBA hearing. A ZBA meeting will be setup for Jan. 26<sup>th</sup>. The Planning Board will continue the NRSPR Hearing for the NH Music Festival to Feb. 3<sup>rd</sup> at 7:15P.M. In Mike Izard's review under "Plan Notes" Mr. Izard said that the plan sheet entitled, "Boundary Survey Copy" should be labeled Sheet B1 to be consistent with the Drawing Index. A note on Sheet G1 indicates that a waiver is requested for a boundary survey. Mr. Izard said that he was not sure of the Board's policy, but a waiver is needed. The on-site road names need to be added to the plan. Mr. Izard said for plan review, it would be beneficial for the drawings to be referenced by sheet and drawing number. Sheet D6 refers to a sump but is not included with the plan sheet. Mr. Izard said that architectural renderings should be provided. The scale bars used in the plan set are not consistent with measured distances. Mr. Izard said that the scale bars should be reviewed and revised. Mr. Izard feels that it is important to have the topography and wetlands delineated for the entire site. This would be beneficial for assessing drainage courses. Mr. Izard went through the drainage study and it shows the general drainage flow on the site but without the details of the sump by the loop road it is hard to gauge what the impact will be when the drainage flows off-site. Concerning stormwater

treatment, Mr. Izard feels that it would be beneficial to provide treatment and filtration as opposed to having a run off site. Mr. Izard does not know what the impact would be off-site. He said that consideration should be given to supplementing the level spreader design with the addition of a forebay and flow bypass. Mr. Izard did not see anything for overflow in the proposed level spreader plan; he suggested that a bio-retention area might be better than a level spreader. Rob Turpin said that their engineer has done calculations and has located a number of level spreaders. Mr. Turpin asked about coordinating information between Mike Izard and their engineer Paul Fluet. Lee Mattson said that Mr. Izard and Mr. Fluet should get together to discuss the calculations for storm water run-off and other possible opportunities for storm water run-off. Tree box filters in the paved parking areas could help with filtration. Mr. Izard recommended annual maintenance for the level spreaders and that a provision for the maintenance should be added to Note 12 on Sheet G1. Mr. Izard asked about the off-site impact of storm water released from the loop parking area and if abutters would be impacted. Rob Turpin said that they have applied to the State DES for an Alteration of Terrain Permit. Mr. Izard asked if potential off-site improvements have been addressed. He suggested that the Board may want a bond for damages to the roadways during the site development. Mr. Izard asked if the posted load limit on College Road will affect this proposal. Mr. Izard suggested a written statement of what is actually proposed for the use of this property. The septic design is being reviewed. Rob Turpin said that Phase II would be a lodging component. The septic system would be new and separate from the Festival House. They plan to renovate the existing farm buildings and add some seasonal cottages. Regarding signs, Mr. Izard said that the plan should provide an inventory of all proposed signs and their locations. Rob Turpin said that the ten foot wide trail from the lower parking area to the main building will be improved. The usage goal is for pedestrians, and possibly golf carts and carriages. It will be constructed for use of emergency vehicles, but not for general use by cars. Mr. Izard asked that sidewalks and pathways be added to Note 9, Sheet G1. Mr. Izard suggested that something be done to delineate the parking spaces in the gravel lots. He also pointed out that the entrance road becomes one way and comes out onto College Road. There is an area to drop off passengers that is beyond the entrance to the loop parking area. Mr. Izard suggested that if the flow of traffic was reversed it might work out better. Rob Turpin said that they might be able to explore having a cul-de-sac in that area. Mr. Izard said that a lighting plan should be provided with illustrations and specifications for all of the proposed exterior lights. He asked if this facility would be used year round and if there is an acoustical arrangement for the outside of the building. Charley Hanson asked Mr. Turpin if the noise study was done in the winter. Mr. Turpin responded that it was done in the late summer. The study was done to measure the noise coming from the musicians. Mark Stearns said that he did not think that anything from the inside of the building would be able to be heard on the outside but when everyone was leaving the traffic noise would be heard. Rob Turpin said that when the traffic study was done all of the cars were off of the site in about twenty minutes. The traffic study was done at their Gilford location. Mr. Turpin said that the Hall would only be used in the summer. Winter events would take place in the Salon. Mr. Izard recommended that the Board make a site visit. Mark Stearns wanted to make sure that any fertilizer leaving the property be addressed in the landscaping plan. Mark Stearns also said that it has been pointed out the heating and cooling system is unique; that the floor would be hollow. He

asked what the fire suppression system would be under the floor. Mr. Turpin said that there would be a sprinkler system. Mr. Stearns asked that there be a plan in place for the police and fire department. David Hughes said that there will be a fire watch. Helen Heiner would like to see something from Road Agent Jeff Haines regarding College Road traffic flow. Rob Turpin said that there is a lot of bed rock on this property and it will be necessary to do blasting during the construction. It will be announced at the January 20<sup>th</sup> meeting that the hearing for the NH Music Festival will be continued to February 3<sup>rd</sup> at 7:15 P.M.

At this time the Board voted on the Petitioned Warrant Article. The vote was 3 in favor and 3 opposed. This will be noted on the Ballot.

V. Construction Permits. The Board reviewed the following application:  
Maxfield Realty LLC

VI. Miscellaneous. The Board reviewed a letter from the State of NH Fish and Game.

VII. The Chairman adjourned the meeting at 9:28 P.M.

Submitted by,