

CENTER HARBOR PLANNING BOARD
Tuesday, July 15, 2008

The meeting of the Center Harbor Planning Board was called to order at 7:05 P.M by Chairman Lee Mattson. Those present were: Mark Stearns, Chuck Burns, Helen Heiner, Dari Sassan, Barbara Lauterbach, and clerk Sheila Mohan.

I. Minutes. The Minutes of July 1, 2008 were approved with the correction of three typos.

II. Edward Dane Trust – Subdivision Hearing Continued. The Board reviewed the Plan. The restriction regarding the driveway has been added to the Plan. The Chairman and Secretary signed the mylar.

III. Lois and Adrian Carr/Jayne Ruel – Boundary Line Adjustment. Harry Wood of Associated Surveyors represented the applicants. Mr. Wood explained to the Board that Mr. and Mrs. Carr purchased this lot (TML #3-32) from the Town with the stipulation that the Carrs convey a portion of the lot to the abutting property owned by Jayne Ruel. After the boundary line adjustment is approved, the parcels will be merged into the respective adjacent lots, TML #3-19 and TML #3-26. Dari Sassan asked if there would be any complications because part of the driveway is on the Carr's parcel. Mr. Wood answered that in the past, they have used the driveway as it is. Mr. Wood has set two pins, one pin is set according to the condition in the deed, and one that would have the entire driveway on the portion of the parcel going to Jayne Ruel. Chuck Burns asked if the deed will reflect the use of the driveway. Lee Mattson answered that it should. Lois Carr asked if the deed would be generated by the Town. Mr. Mattson answered, "No." Bob Beem explained some of the history of this lot. The Town acquired this parcel for taxes and offered it to the Carrs; the Carrs chose not to take the lot at that time. When the driveway was installed, the Selectmen didn't realize that it would cross the proposed boundary line, as shown on this plan. Adrian Carr went to the State and asked about the driveway. The State recommended that they use the same driveway. Chuck Burns asked if the extension of the boundary line was "cast in stone" or if they could swing the line from the back property line East and get the driveway all on one property. Adrian Carr said that they will leave it the way the deed states. He feels that the Town should not have sold the property without surveying it first. Lee Mattson explained that the Board could not do anything that Mr. Carr did not want the Board to do. Peter Ruel explained that the power and telephone lines run across the Carrs' land to Jayne Ruel's property, and the State won't let Ms. Ruel move the driveway. Mr. Mattson asked if they could share the point of access. Mr. Ruel explained that it is very steep and it is difficult in the snow; he doesn't want Ms. Ruel to have problems if a vehicle is stuck at the bottom of the driveway and someone wants to get onto the Carrs' property. Chuck Burns said we are helping to create a problem. Lee Mattson explained to Mr. Carr that we can not act on anything unless he presents it. Mr. Mattson feels that Ms. Ruel's driveway should stay on her land. Mr. Carr agreed. Mr. Mattson explained that we have to make sure that the Selectmen will agree with this. He will write a letter to the Selectmen explaining that

the Planning Board feels it is a better plan to have the line run from the drill hole to the pin 12' to 15' from the rebar in the driveway, to include the driveway and drainage. Harry Wood will remove whichever pin is not going to be used. This hearing was continued to August 5, 2008 at 7:15 P.M.

IV. Christine Maxfield – NRSPR. TML #9-78. Ms. Maxfield explained that if Arthur Pierce, chooses to close his business, the Centre Harbor Cellars, Dr. Taoka's dental office will take over that space. The dental office will have five staff members at all times. There are 23 parking spaces. Dr. Taoka will use the wine shop signage. Lee Mattson explained that the old site plan review allowed 236 square feet of signage and asked Ms. Maxfield if she knew the total of the present signage. Ms. Maxfield said that she did not know what the total was. Mr. Mattson told Ms. Maxfield that the Board would like to know what the total square footage of signs is presently. It was moved by Helen Heiner and seconded by Barbara Lauterbach to accept the completed application. The vote was unanimously in favor. It was moved by Chuck Burns and seconded by Mark Stearns to approve the Non-Residential Site Plan Review conditioned upon a showing by the applicant that the total signage does not exceed the amount of signage previously approved, that amount being 236 square feet. The vote was unanimously in favor.

V. Discussion of Possible Illegal Business. Chuck Burns explained that he had written a letter to the Selectmen regarding a possible illegal business located at 20 Chase Circle, TML #9-19. Mr. Burns read a segment from the Selectmen's Minutes dated July 2, 2008 regarding the Selectmen's discussion of this issue. The Selectmen had asked Code Enforcement Officer Ken Ballance to investigate this possible home occupation violation. Mr. Ballance reported that he saw nothing on Mr. Woodworth's business card that indicated a violation of the home occupation ordinances. The Selectmen sent Mr. Burns a letter relating this. Mr. Burns feels that there may have been a breakdown in communication. He explained that his complaint is not the home occupation but the mess. He has snow removal equipment and "antiques" in his yard. Mr. Burns explained that the neighbors have approached Mr. Woodworth to no avail. Lee Mattson said that he looked at Mr. Woodworth's deed and if there is equipment there it violates the deed. Helen Heiner said that to comply with the home occupation ordinance he has to have this inside his house. Dari Sassan said that it sounds as if Mr. Ballance investigated only the business card. Mr. Burns said that he had hoped that Charley Hanson could take this back to the Selectmen. This will be put on the August 5, 2008 Planning Board Agenda.

VI. Construction Permits. The Board reviewed the following application:
Charles and Susan Allen

VII. The Chairman adjourned the meeting at 8:45 P.M.

Submitted by,
Sheila Mohan