

TOWN OF CENTER HARBOR  
PLANNING BOARD  
Meeting  
Tuesday, January 3, 2017  
7 p.m.

Chairman Charles Hanson called the public hearing to order at 7:00 p.m. Board members present, Selectmen's Representative Harry Viens, David Reilly, Bill Ricciardi, Kelli Kemery and Clerk Aimee Manfredi-Sanschagrin. In the audience Ken Ballance Code Enforcement Officer. Absent were Peter Loudon and Bob Coppo. No public in attendance for this hearing.

**Voting Members:** Charles Hanson, Harry Viens, David Reilly, Bill Ricciardi and Kelli Kemery.

- I. **MINUTES:** Kelli Kemery motions to accept the minutes of December 20, 2016. Seconded by David Reilly. All were in favor.

- II. **PUBLIC HEARING SECTION 5:9:2 CHANGES TO TOWN ORDINANCE FOR TOWN MEETING**  
Board had their final review of changes to Section 5:9:2 on December 20<sup>th</sup>. Chairman mentions these changes are required to bring the Town into compliance with the State. The changes to the Town Ordinance would take effect March 15, 2017 if passed at Town Meeting. Senate Bill 146 will take effect June 1, 2017.

Chairman asks Ken Ballance if he is here as Code Enforcement or a member of the public. Ken responds as Code Enforcement. Chairman asks if Ken would like to make any comments. Ken states no, we have to comply so these changes are required.

Bill Ricciardi asks Ken if he is ok with the change that was made to item 7 which is to change the condition from "one structure" to "one lot". Ken responds no, but says he believes there is enough coverage in there that we can deal with it. If the lot is legally sub-dividable then the Town should allow it. Ken continues, there are other factors such as septic systems over 20 years old etc. so we will handle them when and if they come in.

Chairman requests the clerk note that nobody from the public was in attendance and moves on to discuss the rules and procedure document.

**Chairman closed the hearing at 8 p.m. no public was in attendance for this hearing.**

**Motion: Bill Ricciardi motions to take the amended changes to section 5:9:2 to Town Meeting. Seconded by David Reilly all were in favor. Motion passes unanimously.**

- III. **PUBLIC HEARING ADOPTION OF MODIFIED PLANNING BOARD RULES AND PROCEDURE DOCUMENT**  
Chairman asks if there are any comments or questions on the rules and procedures. No discussion from the Board regarding the document. Nobody from the public in attendance.

**Chairman closed the hearing at 8 p.m.**

**DISCUSSION: AGRITOURISM, SIGNS & WETLANDS**

**Agritourism:**

Chairman opens the discussion to the article regarding Agritourism that was published in The Laconia Daily Sun. Ken states he has been reading the Supreme Court decisions and that the Town needs to take a look at the current ordinance and decide if we need changes. Chairman briefly discusses the two ongoing local cases. Bill Ricciardi asks if the state has defined what qualifies as a farm. Ken responds the state won't act into the actual terminology of a farm they place it under agriculture. Just something we should take a look at, what are we going to allow and what are we not going to allow which is toeing that same line as the issue with signs. Ken states you allow unlimited quantity of political signs but allow only one open sign. We allow one type of sign everywhere but restrict other kinds of signs so consequently it comes down to content.

**Signs:**

Based on Ken's comments, Chairman turns the discussion to the article in The Laconia Daily Sun pertaining to signage and the decision by the Federal Court. Ken states we have issues with signs in Town that go against our ordinance. These electronic signs are popping up everywhere now and I am showing them the ordinance stating they cannot have an electronic open sign. We can enforce that because we don't allow internally lit signs to the exterior but when it comes down to regular

open signs, he (referring to Bill Ricciardi) can have 5 signs for his business but none of them can be open signs because of the zone he is in. Why can't two of his five signs be open signs? Makes no sense to me that we limit businesses to one "open" sign but you are allowed 5 signs for your business.

Chairman gives some history to the sign ordinance. A sign committee was created, there was a lot of discussion around what the people in Town wanted and didn't want. They finally came up with an ordinance but it was such an ordeal that there are things that could probably be updated but people are too concerned to open this back up so they have just left it alone.

Chairman, perhaps enough time has passed now that we could revisit the ordinance and see if we could update it.

Ken, I just cataloged some of the things I see in town and we could cite 14 out of 18 business for non-compliance. Ken continues, and the Selectmen have to be willing to take on the charge if they are willing to clean it up and are we going to fine people for ignoring us because that is exactly what they do. I have spoken with one individual down here (referring to Senters Market) numerous times and she doesn't care because we are not going to do anything. So if we are not going to do anything we might as well let it look like International Blvd. in Orlando. It is not that we are anti-business, this ordinance is here because it is how we want the Town to look.

Harry states the last time the PB had mentioned the sign ordinance and it showed up in the minutes Bob Beem was in the office the next day. They are clearly concerned that if we revisit this to make changes it will open the ordinance up and it may make the situation worse but we can try it.

Ken, I think we just need to get after these businesses to comply. You have one business over here that has 37 signs on it. These blinking open signs, we had one in town and now we have 5. I think they should be told we are slowly going to bring them back into compliance through enforcement. I think the proliferation of what we have with these internally lit signs, this express copy business over here has two lit FedEx signs and an open sign which is stuffing it right in the Town's face.

Chairman, well do they know? Ken, yes they do but they act like they don't. I provide them a copy of the ordinance and leave them with my card and then I say if you are not in compliance you will have to deal with the Selectmen. We have to let them know they will be fined for not being compliant. We can't be selective here, we need to do the same for all the businesses. I don't want to come across like I am anti-business, I have been a business man my whole career.

Chairman, so I will say that is something you need to deal with the Select Board on. What we can do is take a look at the existing ordinance and decide if there are tweaks to it that we should make. At the very least we should take a look at this content issue.

#### **Wetlands:**

Ken lets the Board know there are a couple properties on the other side where they don't show as wetlands on the map but they definitely are wetlands. Ken, I am just letting you know because I didn't want people think this was only going one way of showing wetlands on properties that there was no evidence of it. I have 6 instances where we can prove there has been no wetlands but the map shows them and now I have 2 that wetlands are clearly there but the map doesn't show it. Bill Ricciardi, when we collect this data, at what point do we update the map? Chairman, we talked about it, what we can do say every 5 years is revisit the map with this information and have the map updated which means the map needs to go back to Town Meeting.

Chairman updates the Board on the status of Ambrose Gravel Pit and RSA 155: E for permitting. Aimee has been in contact with Bob Ambrose, he indicated to her that his attorney felt as though they did not need to go through the process the PB outlined in a letter sent to Ambrose Brothers in August 2016. It was discussed that the attorney for Bob Ambrose would be in contact with Chris Boldt to discuss. Clerk will keep Board updated on status.

#### **IV. PERMITS**

No permits to review.

#### **ADJOURNMENT**

Meeting adjourned at 8:00 p.m. Next meeting scheduled for February 7, 2017 @ 7 p.m.

Respectfully submitted by Aimee Manfredi-Sanschagrin.