

**TOWN OF CENTER HARBOR
PLANNING BOARD**

**Tuesday, April 5, 2022
Meeting @ 6 p.m.**

Chair Charles Hanson called the meeting to order at 6:00 p.m. Present Vice Chair Peter Loudon, Selectmen's Rep Bill Ricciardi, Members Kelli Kemery, Mark Hildebrand, David Nelson, Alternate Member Steven Brown, Alan Rilla and Clerk Aimee Manfredi-Sanschagrin. Absent with notice Rachel Xavier.

Public Attendance: Code Enforcement Officer Bill Doucette

Voting Members: Charles Hanson, Peter Loudon, Bill Ricciardi, Kelli Kemery, Mark Hildebrand, David Nelson and Steven Brown.

I. MINUTES:

Chair asks for a motion on the March 1, 2022 minutes. Peter Loudon motions to pass the minutes as read. Seconded by Steven Brown. All were in favor of approving the minutes.

II. PERMITS:

Board reviewed the permits; Chair introduces Bill Doucette Code Enforcement for those members that did not know Bill. Clerk mentions the building department received and approved their first PBN since they added that option. Bill Ricciardi asked that if the Clerk sends out an email requesting feedback that he would kindly ask that a response be provided back, even if everything looks good just send a quick note. Mark Hildebrand mentions page 2 of the permit McKinnon was missing, Clerk stated that was an oversight and the copiers are not functioning at 100%. Clerk states that permit is for an installation of a replacement septic system within 15' of the abutting property which received ZBA approval. Clerk will resend the permit in its entirety. Steven Brown mentions the younger generation consumes information differently so one thing he would suggest would be to make information more readily available using a tool such as Facebook or google form that provides something such as an "if then" statement if one of the questions on the form has additional criteria or follow up. Alan Rilla mentions a follow up to that statement, younger people cannot afford to live here. The Board discusses the impacts of the housing market prices and the limitations it creates for younger buyers or fist time buyers.

III. OTHER:

Update Moultonborough PB Koss Construction, LLC

Mark Hildebrand provides an update, stating the meeting was approximately 3 hours. Detailed discussions about the wetlands buffer which Moultonborough's ordinance has a 50' setback but for this new district they reduced that to 25' and the applicant wants almost no buffer to put the driveway in which abuts a swamp. The ZBA members couldn't decide how to apply the criteria to where it is possible the swamp will be up to where they want to build the sidewalk. The minutes are now available in draft form on the Moultonborough Town Website. Chair adds that he noticed from reading the minutes his sense is the Board seems to be split on that situation. Mark responds that would be accurate. Mark Hildebrand mentions the hydrologist spoke and took questions for almost

2 hours. A few Board members suggest the Center Harbor Planning Board be more involved based on the proximity to the Center Harbor Village. Steven Brown suggests Center Harbor provides its own traffic study instead of relying on the applicant or Moultonborough's third-party engineer, adding a study on any wells in Center Harbor that may be impacted along with statistics on short term rental impacts. Chair understands the comments but the question then becomes who pays for these reports that's not something that the town would budget for. There is budgeting for our planner and the town was responsive to Moultonborough with a unified front of all the Boards in town that had concerns. Peter Loudon asks if there is a way that we can be assured that we are on the contact list stating he believes there have been a few notifications that did not go to Center Harbor residents that were impacted. Clerk responds she has been informed that there have been at least 3 instances where the Center Harbor abutters have not been notified. Mark Hildebrand states that Center Harbor will probably have to make a decision that if this goes through in some shape or form, it may put us in a position where we will have to tell the Town of Moultonborough the use of our boat launch and beach will be discontinued because of the impact. Chair the letter that went to the Planning Board spelled that out clearly. Mark's impression is that of the Town of Moultonborough does not allow this project based on the impact to the Town of Center Harbor that the applicant will have no hesitation on bringing litigation. The discussion continued regarding the site walk regarding the wetlands which has not happened but was discussed at the first Planning Board meeting. Peter Loudon mentions that the wetlands issue is not just what you see for water it's also the plants. The traffic study, which Mark mentions the applicants own engineer provided, conflicted with the data of the state traffic study. Mark stated at the Moultonborough hearing that he uses the back of heaths market along with many other people at which the Chair responded Heath's market should put a gate up. Heath's delivery trucks use that access for the bays for the loading docks are in the back. Mark states he will continue to go to all the meetings and adds that Attorney Chris Boldt has been doing a great job representing the town. Bill Ricciardi believes the Moultonborough Board is conflicted with their own ordinance which is why they are having a problem voting. Mark said with the ZBA their focus was on whether or not the driveway should be allowed by reducing the wetlands buffer adding that people from the public were discussion a bunch of other topics. Bill Ricciardi yes, they are voting on a specific item of this project which requires a variance. Mark Hildebrand yes, the ZBA Chair had to reiterate that multiple times. Chair adds that it is a great lesson in local civics, it illustrates a ZBA functions not unlike a court. They take action on very specific items and leave the details of the project to the PB

Alan Rilla states sending a letter is not enough, we need to have a face to face to let them know how much this will impact our town. How many projects like this have gone on since they passed this new ordinance the West Village Overlay? Chair states this will be the first one. There is still a long way to go with this project.

Board members feel a meeting with the PB of Moultonborough is a must to express our concerns. After much discussion surrounding these suggestions, the Chair stated he would reach out see if it is at all possible to have a joint meeting with the Moultonborough PB. Bill Ricciardi states he will check with the Town Attorney to see if it's ok for us to request a meeting with Moultonborough. Chair confirms that is a good idea.

Board members and the public are encouraged to use the Town of Center Harbor website where there is an active link to the Town of Moultonborough for up-to-date information on the Koss Construction Project.

Increase in Application fees for PB

The Board unanimously agreed that application fees warranted an increase and although not required, the Board also agreed a policy should be added to address this situation should the discussion arise in the future. The Board agreed to add to the Planning Board Policies and Procedures under H. Miscellaneous Item IV. to read *The Planning Board reserves the right to change their application fees by way of a majority vote at any time.* **Motion: Peter Louden motioned to add The Planning Board reserves the right to change their application fees by way of a majority vote at any time under section H. Miscellaneous item IV. Seconded by Bill Ricciardi. All were in favor.** Clerk will add this item to the PB Policy and Procedure document.

Board discussed the fee increase and went through all applications that would require this adjustment. After much discussion the Board agreed that a standard fee across the Board made the most sense. The recommended increase **ONLY** pertains to the application fee. All other associated fees such as abutter notification, newspaper notice (if applicable) and L-Chip fees remain the same which are based on the associated agency's fee schedule at the time of submission. Detailed information can be found on the Planning Board's page of the town website by visiting www.centerharbornh.org/planning-board

Motion: Peter Louden motioned to increase the fees as follows:

- **Subdivisions - \$150.00 for the application fee and \$100.00 per newly created lot**
- **Non-Residential Site Plan Review (NRSPR) - \$150.00 application fee**
- **Change of Use - \$150.00 application fee**
- **Boundary Line Adjustment (BLA) - \$150.00 application fee**
- **Home Occupation - \$150.00 application fee**
- **Lot Merger (no change at this time, recording fees apply)**

Seconded by Kelli Kemery. All were in favor of the proposed fee increase.

Notice of Decisions Posting on Town Website

Notice of decisions (2014 to present) have been added to the Planning Board's page of the town website.

Junkyards RSA 236:125 & RSA 236:123

Chair asks if Bill Doucette would like to comment on this item, Bill Doucette responds he's looking for guidance. Bill Ricciardi mentions the BoS had a couple of complaints about junk yards along with a complaint about junk yards. BoS thought it was best to send to the PB to see if they could come up with some input. Aimee sent over the RSA and the Section for the Zoning Ordinance

Section 4:4:1 Obnoxious Use. Bill asks if anyone had any input after reading those. Steven Brown had some concerns, first he asked how old were the people that lived at these properties because he wants to know if these are people that “can” clean up their yards. Bill Doucette mentions that is one of the things he had to look into and whether or not the right approach would be to stop by and have a conversation with the property owner. We do live in the “live free or die” state and that’s why most of us like it here. There have been inquiries about unregistered vehicles and there is nothing that I could find that I could point to and be confident in saying this is a violation. Peter Loudon, I have problem with this not knowing if we are dealing with hoarders or just people that have some extra things in their yards. Bill Ricciardi, there are two things that we are dealing with here where we have a site plan that they need to put up a fence and the other is a slippery slope. Bill Doucette mentions there is one particular property that there is a site plan approval and it’s specific on what needed to be done and they were not. Chair that is a property on Bartlett Hill Road in the commercial zone that we allowed. Kelli Kemery asked if it was the Boat Storage facility we approved. Chair states no. Kelli Kemery mentions the Boat Storage facility we just approved has other things there that I don’t believe we approved. Chair let’s talk about that under other business because you bring up a good point but in regards to Bill Doucette, that is the Brian Bushman property and we had pretty clear-cut conditions on that. Bill D adds it’s now in better shape than it was because it’s changed ownership but now the personal property has now become what seems like the business property. Chair mentions he thought we addressed the personal property as well when giving that approval. Chair continues, we can’t do anything to change what we have right now so obnoxious use is what the BoS have available to them today except for cases where a site plan approval was given with conditions and those should be enforced. Board discusses options for those residents that can’t do things for themselves and are willing to accept help versus those residents who don’t want to do anything. The Board agreed this is not a situation they feel comfortable with and it needs to be addressed on a case-by-case basis but suggested that any properties that have an approved use with conditions, if those conditions are not being met, they should be enforced. Chair suggests perhaps they create a sub committee for this. Kelli Kemery offered to look around at other towns to see what other towns do in these situations.

Other

Tiny House Request

Bill Doucette received a request to put a tiny home on a property that already has a dwelling unit. The Town allows ADU’s that are attached based on certain criteria. If the ADU is detached, the property owner needs a Variance from the ZBA.

Kline Road

Chair mentions the next meeting in May, there will be a hearing and the Board should have received some documentation regarding Kline Road from Robin Woodaman Selectmen’s Administrator. Chair informs the Board the regular PB Clerk will be recused from that hearing and Clerk-Pro Tem Sheila Mohan will be in attendance.

**All meetings (unless specifically noticed as “non-public”) are open to the public. The Boards try to encourage as much public participation in meetings as possible. All information such as agendas,

upcoming cases and meeting minutes can be found on the town website on the specific Boards page. Anyone wanting more information or looking to get more involved, should contact the Town Office for more information. **

IV. **ADJOURNMENT:**

Chair adjourns the meeting at 7:59 Next meeting scheduled for May 3, 2022 at 6 p.m.