

**TOWN OF CENTER HARBOR  
PLANNING BOARD**

**Tuesday, June 21, 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, Secretary Rachel Xavier, Members Kelli Kemery, David Nelson, Alternate Member Steven Brown, Alan Rilla and Clerk Aimee Manfredi-Sanschagrin. Absent with notice Mark Hildebrand.

**Public Attendance: Diane and Kevin Campbell, Nick and Elena Gagliardi, David Harrington, Scott Ouellette.**

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

**I. MINUTES:**

Chair asks for a motion on the June 7, 2022 minutes. Peter Loudon motions to pass the minutes as corrected. Seconded by Bill Ricciardi. All were in favor of approving the minutes.

**II. PERMITS:**

No questions or comments on the permits.

**III. PUBLIC HEARING – NRSPR Roughwood, LLC 12J MAIN STREET TML 102-060-012  
Case 2022-0621**

Owner of the building Paul Nardone, tenant Sandra McClaskie to open a retail clothing business and add signage. Sandra was unable to attend the hearing but authorized the Board to review and deliberate on her application.

Chair asks the Board if they read the application summarizes the request that Sandra would like to operate a retail clothing business in a location that has been vacant for multiple years. Due to fire/safety and the previous use being nonexistent for multiple years, the Board needs to review the request. A letter was submitted to the Board by Fire Chief Tyler Driscoll any concerns that were raised at the property have been addressed by the property owner.

David Nelson asks about the signage, Chair states the signage being proposed which Sandra based on the allowance outlined in our Zoning Ordinance unfortunately, does not apply to this unit as it has its own set of signage allowances that is dictated through the Site Plan Approval granted to Senters Market. The signage would need to adhere to the allowances in the site plan approval from 1989 for this unit known as the "Rains House".

Chair states the Board needs to determine if the application is complete and if so that motion needs to be made. Board agrees the application is complete.

**Motion: Bill Ricciardi motions the application for Roughwood, LLC is complete. Seconded by Peter Louden. All were in favor.**

Chair states the signage that will be approved is the signage they are allowed per the 1989 Site Plan approval for Senters Market which is identified as “Rains House” Quantity of two (2) signs each Size 2’ x 3’. All the condo units have a specified amount of signage allowance per the site plan approval.

**Motion: Peter Louden motions to approve the operation as requested in the site plan application for Roughwood, LLC and to allow signage per the 1989 Site Plan Approval for Senter’s Market as indicated under “Rains House” which allows two (2) signs that are each 2’x 3’ in size. Seconded by Bill Ricciardi. All were in favor.**

**IV. PUBLIC HEARING – NRSPR GUSTO MARKET 34 PLYMOUTH STREET TML 102-059 Case 2022-0621A**

Owner of the building Lakeside Properties, LLC (Jeff Zelchick) tenant Gusto’s Market request to operate an Italian Market and place signage on the building. This is another location that had been vacant for an extended period of time requiring site plan for use and fire/safety inspections. The business has been in operation since fall of 2021, the signage has been approved by way of building permit for this location and confirmation that the signage is in compliance for what is allowed on this unit. Both the building inspector and Fire Chief inspected this building prior to operation.

Chair asks if the business owners Nick or Elena Gagliardi would like to comment on the market. Nick states it’s just an Italian food market. Chair asks if there are any other comments or questions opening up the discussion to the public. David Harrington owner of the old Coe House and also the owner of the building where Scott Ouellette has Rubbing Butts, states he is excited to have more businesses come in. The only question he has is regarding parking. According to David there seems to be confusion on where people are supposed to park. Chair states that the Board is not going to get into parking, parking needs to be part of the businesses allocated parking and if other arrangements are being made that is not a Board issue. Nick Gagliardi mentions sometimes the employees from the café park in Senters market during the day and he realizes that is not supposed to happen so they are trying to fix that. Nick also mentions that Kevin Campbell mentioned there was a spot over near the fire department. David Harrington and Nick Gagliardi state they can work something out.

**Motion: Bill Ricciardi motions to accept the application for Gusto’s Market as complete. Seconded by David Nelson. All were in favor. Chair states to add, we’ve heard Gusto’s Market has 3 parking spaces for customers.**

**Motion: Peter Louden motions to approve the operation as requested in the site plan application for Gusto’s Market. Seconded by Steven Brown. All were in favor.**

Chair states to be clear, the trailer has been parked in those parking spots at the Market. Elena Gagliardi states it is not parked there anymore; it was parked there because they were repairing their driveway. Chair states that's fine I just want you to know you cannot park that there unless you come back to the Board. Elena mentions she knows and where the trailer was parked was in the spots that are allocated to her as tenants of the apartments, they rent at the 34 Plymouth Street building. They don't live in those apartments but they rent them so the parking spaces that go with the apartments are empty but that was just a temporary solution while they worked on their house driveway.

**Chair states any approval the Board gives has a 30-day appeal which will be in the notice of decision the applicants receive. You can go ahead and function with your approval but understand if anyone appeals, you may need to have something done differently.**

**V. PUBLIC HEARING – NRSPR GUSTO CAFÉ 23 MAIN STREET 1B TML 102-075  
Case 2022-0621B**

Owner of the property Kevin and Diane Campbell, Tenant Nick and Elena Gagliardi. Gusto Café would like to add tables for outdoor dining and a food truck. Nick states during Covid they had two tables out in front of the windows and another table in the inlet corner. They would like to continue with that set up. The pizza truck would be a few times over the summer when Yikes and the other businesses are closed. Chair asked if they could put a number to how many times they would like to have the food truck out? Nick and Elena state 4-5 times during the summer season. Chair states how about no more than 6, if the Board is going to act on this application, they want a number. Nick and Elena agreed to no more than 6. Season would be Memorial Day to Labor Day. Bill Ricciardi asks, you had 2 – 2 seat tables and 1 – 4 seat table. Nick states no they have 3 – 2 seats and 2 – 4 seats. Elena said they only need 1 – 4 seat the extra table on the plan is because they wanted to apply for more but if the Board was not in agreement, they would be happy with just 1- 4 seat. Chair states (looking at the plan submitted with the application) you want to change that to 1 – 4 seat and 3 – 2 seats is that what I'm hearing? Nick said it would be nice to have the 2 – 4 seats as shown on the plan. (The plan submitted with the application shows 2 – 4 seats and 3 – 2 seats). Board states the applicants need to be certain and provide input on what they actually want. Nick and Elena would like the table allocation as indicated on the plan submitted with the application which is to be allowed 2 – 4 seat tables and 3 – 2 seat tables. Chair states the application was submitted with that seating chart on a plan and that is what is up for approval.

Chair states historically outdoor seating has not been allowed except under special circumstances but during Covid, the Selectmen, and rightly so, allowed our restaurants to provide outdoor seating. We are on the backside, hopefully, of Covid, so the Selectmen sent out letters this spring reminding restaurants that we are going back to business as usual and if you want to continue providing outdoor seating, the process would be to come to the Planning Board for that approval. What Covid illustrated is that outdoor seating worked pretty well. Chair states he spoke to Chief Driscoll thus far there have been no safety issues. With that being said Chair asks for a motion.

**Motion: Peter Louden motions to accept the application for Gusto Café as complete. Seconded by David Nelson. Kelli Kemery asks about the seating capacity. Chair states the capacity has already been set for that space but we will talk about that in a minute. All were in favor of accepting the application as complete.**

Chair asks if anyone from the public would like speak. Kevin Campbell owner of the building where Gusto Café operates states that during Covid outdoor seating worked well and I support them being able to continue that. Chair asks Kevin about the trailer. Kevin thinks it would be a great addition, the time frame they are suggesting to do it does not conflict with the other businesses. Chair asks Nick and Elena if they know how many seats are allowed in the restaurant. Elena Gagliardi responds 48. Chair states if we approve your outdoor seating, that number does not change so if you have 10 seats outside that means you can only have 38 inside. Elena states she understands and that is how they are currently functioning, she said she has a maximum of 36 people inside right now.

David Harrington asks about the letter from the Selectmen regarding the outdoor seating and asks what needs to be done in regards to the Rubbin Butts location. Chair states the Board needs to get through the hearing currently in session for Gusto Café and then there can be a discussion about that location after.

Bill Ricciardi states he had a thought and it's probably not a big deal whereas it seems this arrangement has worked for 2 years but suggests perhaps the parking spots be on a diagonal so people don't back straight out towards the building and perhaps make it a one way going out to Lake Street. You would have the same number of spots. Kevin mentioned he would look into that. Chair suggests looking at Laconia where Hectors Restaurant is. That new diagonal parking has worked out well for that area. Bill Ricciardi stated that he remembers speaking with Amy Elflin when they owned Mug By The Bay and she said at least twice, people had backed out of a spot right into their window box. Even though Gusto has not had a problem, it might be worth looking into. David Nelson adds on a somewhat related issue, before the meeting I drove through there and it felt like a tight area to be putting a pizza truck where there would be people standing to have people turning into the parking lot from Lake Street. From a safety perspective maybe the truck could be parked in a different location. Nick clarifies the pizza truck is only for them to make the pizza's not for people to walk up and be served. Before they knew they needed permission they had used the truck and it ran smoothly, it's an extension of their menu but again people cannot walk up to it and be served the pizza is brought into the restaurant. It takes up 2 parking spots. Elena suggests they could move it somewhere else if needed.

Chair provides a concept for a motion based on what has been discussed. Approve the proposal with a condition for the pizza truck use which is limited up to 6 events a year, the seating is outlined with 2 – 4 seat tables and 3 – 2 seat tables as presented in the application. Kelli asks to specify the time frames. Board discusses with Nick and Elena the time frames they would like to have the pizza truck and outdoor dining; Board discusses the same time frame approved for the Mug May 15<sup>th</sup> to October 15<sup>th</sup>. Nick and Elena were in agreement. Bill Ricciardi, to be clear the pizza truck and outdoor tables are from May 15<sup>th</sup> to October 15<sup>th</sup>. Clerk asks if that is the motion, Chair said that can

be the motion. Clerk responds the tables were not part of a specific time frame and is asking if it should be. Peter Loudon says it should be in there for consistency. Bill Ricciardi asks if they put the pizza truck in the location as indicated on the plan they submitted and for some reason it doesn't work out well and they want to move it, do they need to come back to the PB? Chair says as far as he's concerned, they are indicating it's going to be a discussion with the Campbell's on that particular property but if they want to move the pizza truck to the market, then that's something completely different and would require them to come back to the PB.

**Motion: Charles Hanson motions from May 15<sup>th</sup> to October 15<sup>th</sup> Gusto Café has the use of their pizza truck which is limited up to 6 events seasonally. Gusto Café is also allowed outdoor seating per the plan as presented with their application which consists of 2 tables with 4 seats each and 3 tables with 2 seats each also from May 15<sup>th</sup> to October 15<sup>th</sup> with a seating capacity indoor and outdoor not to exceed 48. Seconded by Peter Loudon. All were in favor.**

## **VI. OTHER:**

### **Rubbin Butts BBQ, Discussion:**

Chair asks if Scott Ouellette or David Harrington wanted to discuss the outdoor dining. Scott states it seems the consensus is that outdoor seating for Center Harbor restaurants would be from May 15<sup>th</sup> to October 15<sup>th</sup>? Chair states that is the direction we've been going in but there is no reason you couldn't make a case for something else. Scott said he was fine with that time frame but he didn't add that information in his application, Chair said they would discuss that at his hearing. Scott also added that the picnic tables in question have been there well before he opened Rubbin Butts he believes they date back to when it was Bay Gulls and whether or not the tables were grandfathered? David Harrington confirms their approval for Osteria Poggio has approval for 149 seats and there are no specifications about exact dates. Chair reminds the Board every approval is unique and yes, we have some with patterns for specific dates but you were one of the first ones (Previous owner Lavinia's) that we approved for outdoor seating. Chair states to an earlier comment regarding a grandfathered use, that is a lack of enforcement quite honestly and things fall through the cracks and for years and years that was a storage building for sailboats so you can look into it but we need to follow our process. Scott Ouellette said he understood, his application is in and it sounds to him that the Board is open to this concept so he will proceed with getting the necessary approvals. Bill Ricciardi adds that he thinks it was a big misconception that the town didn't want to do this but it's not that at all. Scott Ouellette responds he didn't think that at all and understands towns have their process and he wants to be compliant.

### **Camp Eagle Cliff:**

Chair updates the Board an application has been submitted for Camp Eagle Cliff, anyone not familiar with the property it is located on Camp Road and they hold summer camps. The existing entity has had some issues over the years and we have a received an application that the Board will need to review on July 5<sup>th</sup>. Bill Ricciardi states the PB should be aware that the Selectboard said if they get this application in to the PB, the kids could have their 10-day camp. Chair, to be clear the application has been received and it will be reviewed on July 5<sup>th</sup> at our public meeting at which time

the Board will determine if the application is complete. The ball is in the PB court now so we just need to go with that.

**The Mug Update:**

Alan Rilla provides an update to the Board that in speaking with Paul Ursillo the DOT is going to require jersey barriers in the front of the building for safety purposes.

**Kline Update:**

The applicant filed a motion to the Housing Appeals Board so we have nothing else to talk about until we go through that process regarding that matter. Our attorney will be working with us with the assistance of Sheila Mohan to get some of our documentation together. Alan Rilla asks if that is a State Agency, Chair responds yes. No date set yet but we have 30 days to reply.

**Boat Storage Bartlett Hill Road Update:**

Kelli Kemery asks if there is any update on the Boat Storage Facility on Bartlett Hill Road. Clerk reports Code Enforcement has visited the property and that the property owner is working on getting into compliance. Clerk will request another update in preparation for the Board's July 5<sup>th</sup> meeting. Clerk will also follow up with Code as to the status on the garage on Bartlett Hill that also has some compliance issues and again provide input on July 5<sup>th</sup>.

**Other Discussion:**

Chair discusses the agenda for July 5<sup>th</sup> regarding hearings. Kevin Campbell asks if he wanted to get in an application for that July 5<sup>th</sup> date when the application needed to be in by. Clerk responds it needed to be in by June 16<sup>th</sup>. Chair states there may be another meeting in July. Kevin asks, the way he now understands the process is that if a space is empty or has a change in use, they need to apply for site plan? Chair, correct yes. Kevin adds, Dave Dolan has left and Nick wants to use that space for storage and potentially for special events upstairs so for him to do something like that he would need to submit an application for that? Chair responds yes and adds as a recommendation, you should meet with Code Enforcement Bill Doucette and Fire Chief Tyler Driscoll because I know there are some real safety concerns for that space and when it comes to restaurants, we give their input serious consideration. Bill asks if Kevin has tenants there too? Kevin says no they are on the floor above. Chair asks if anyone has any other questions, David Harrington has a question about repairing a rut on the road in front of the Coe House. Due to 25B/Plymouth Street being a State Road, the Board provided information on who to contact to discuss that repair.

**VII. ADJOURNMENT:**

Chair adjourns the meeting at 6:47 p.m. Next meeting scheduled for July 5, 2022 at 6 p.m.

**\*\*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. \*\***