

TOWN OF CENTER HARBOR
PLANNING BOARD
Meeting
Tuesday, October 4, 2016

The Chairman called the meeting to order at 7 p.m. Board members present, Chairman Charles Hanson, Selectmen's Representative Harry Viens, David Reilly, Kelli Kemery, Bill Ricciardi, Bob Coppo, Clerk Aimee Manfredi-Sanschagrin and Code Enforcement Officer Ken Ballance . Peter Loudon was absent.

Chairman starts the meeting with announcing Jackie Baker has moved out of Center Harbor. Her move is hoped to be temporary but because she is not currently residing in Center Harbor, she cannot serve on the Board. The Chairman would like to move Bob Coppo from alternate member to full member and find another alternate to fill his seat until we know the status of Jackie Baker which will hopefully be within the next few months. The Board thought this suggestion was a great idea, however no formal vote was taken. Clerk will request a formal vote at the PB's next meeting.

I. **MINUTES:** David Reilly motioned to accept the minutes of September 6, 2016. Seconded by Harry Viens. All were in favor.

II. **ACCESSORY DWELLING UNIT (ADU) SENATE BILL 146:**

Chairman updates the Board on changes to our existing Ordinance that are required by the State under Senate Bill 146 that will go into effect June 1, 2017.

The changes discussed are as follows:

1. Changing the name from **Accessory Apartment** to **Accessory Dwelling Unit (ADU)** as defined in Senate Bill 146.
2. Changing the definition the Town currently uses under Section 2:2:20 Accessory Apartment to the State's definition for Accessory Dwelling Units.
3. Modifying the current minimum square footage from 600 sf to 750 sf which is the State's minimum requirement. Adding a maximum square foot size which is a recommendation from the NH Municipal Association. Board discussed a maximum of 900sf.
4. To remove the section of the current ordinance which requires a specific size of the principal structure to be no less than 2000 sf of gross floor area in order to add an ADU.
5. The Town will add per Senate Bill 146 the requirement of an interior door which is to be provided between the principal dwelling unit and the accessory dwelling unit. As noted in the Bill, the municipality shall not require that it remain unlocked.
6. The Town's current ordinance requires the property be owner occupied. It is the recommendation of the NH Municipal Association and is referenced in Senate Bill 146 that the municipality may require owner occupancy of one of the units, but it shall not specify which unit the owner must occupy.

Clerk supplied the Board with a draft document for review. After the discussion, Clerk will make modifications to the document and resend to the Board for further review.

III. **WATER RESOURCE OVERLAY – UPDATE KEN BALLANCE**

Ken Ballance updates the Board on his involvement with a few lots in Town that are affected by the newly adopted (March 2016) Section 10 of the Town Ordinance. Ken stated he is currently dealing with a total of four lots that have been taxed as full usable buildable lots that now appear to be problematic with having inadequate space for structure setbacks due to the new wetland setbacks outlined in Section 10. Ken Ballance, at first I was having some issues, but since this started I believe I have resolved at least three of them. The one I am dealing with now does have some major issues. Chairman states if they are having issues with the building lot and need relief they should go to the ZBA, which is the process in place for situations such as this. Ken Ballance, a month and a half ago I thought we were in a much worse shape but I have been able to sort through some of this and have provided a working solution for at least three of the four lots in question. There are many areas on the map that show are wet areas that I find are not really wet. Chairman, there are provisions in the ordinance that state the property owner may hire their own wetlands scientist visit the property and dispute it. Ken Ballance, that is true, like I said it has worked itself out at least for these particular lots I am dealing with right now. Before 8-10% of the Town was wet, now 40% of the Town is wet based on the map.

IV. OTHER

AMBROSE – GRAVEL PIT 120 DWH LOT 220-024

Chairman gives a quick update on Ambrose Gravel Pit. Chairman, we sent the letter to Bob Ambrose which in turn he contacted us in regards to the process outlined. We confirmed again with Attorney Boldt that we had the correct process outlined, Attorney Boldt confirmed that we did. In the end after much research into the previous hearings through both the ZBA and Planning Board, it appears we did not issue a permit. We spoke with Bob Ambrose, he has agreed to work through the process which is a Site Plan Review Excavation Permit. Chairman continues, there was also some questions regarding compliance, and so Ken met with Bob and Rob Ambrose and Ken can speak to that. Ken Ballance, I went over to the pit for a site walk and it went well. The location was clean no buildings only one machine there on the property. They are about 50% through Phase II which is approved for 900' of length and they are only about 425' in. Ken continues, I took photographs of the area. They are cognizant of east of the gulley, and they have 200' perimeter around that area anyway so there are no wetland issues.

Chairman, this means now that when Ambrose Brothers files their application, we are back to the ZBA approval they originally obtained and I mention this because chances are this will be a very well attended hearing. Chairman, Bob Ambrose just wants to be compliant and move on. One of the things we will need to determine when we have this before us is a permit term limit. Ken Ballance, one thing I would like to say and then I will be out of here is this "if that pit had it been operating like it should be able to operate, 25B which everyone likes and loves what went on there, it would have been 2 trucks driving 3 miles to feed that whole outfit as opposed to 12 trucks driving 40 miles each way to feed that. Now which one is more ecologically sound, forty 12-wheelers driving to Albany, or two 10-wheelers driving 3 miles from that pit to 25B?"

PERMITS

The Board reviewed the construction permits from September.

LRPC – 2016/2017 CIRCUIT RIDER CONTRACTOR

Board agrees to approve the 2016/2017 LRPC contact.

PB POLICY AND PROCEDURE DOCUMENT- UPDATE

Clerk handed out 3 documents:

- I. Rules/Procedure & Planning Board Policies combined doc
- II. Rules and Procedure using the OEP suggested doc
- III. Original in house PB Policy document with approved changes

Clerk has requested the Board review the documents and make sure the combined document has been dissected back into 2 separate documents. Board will discuss at next meeting if any additional changes are required. The Board will hold a hearing to adopt the new Rules and Procedures document in conjunction with the hearing required for the new ordinances surrounding Senate Bill 146 and ADU's.

The Chairman adjourned the meeting at 8:11 p.m. Next meeting scheduled for October 18, 2016 @ 7 p.m. Respectfully submitted by Aimee Manfredi-Sanschagrin.