

TOWN OF CENTER HARBOR
PLANNING BOARD
Meeting
Tuesday, December 6, 2016

Chairman Charles Hanson calls the meeting to order at 7:47 p.m. Board members present, Selectmen's Representative Harry Viens, David Reilly, Bill Ricciardi, Kelli Kemery, Clerk Aimee Manfredi-Sanschagrin and Code Enforcement Officer Ken Ballance. Peter Loudon was absent.

Voting Members: Charles Hanson, Selectmen's Rep Harry Viens, David Reilly, Bill Ricciardi and Kelli Kemery.

- I. **MINUTES:** Bill Ricciardi accepts the minutes of November 15, 2016 as corrected. Seconded by David Reilly. All were in favor.
- II. **VOLUNTARY MERGER HILL TOP PARTNERS- CANCELLED**
Clerk updates the Board that the parcels contained on the merger form are in different names. All property being merged must be under the same name. Clerk has been in touch with the contact for these properties and will revisit the merger with the Board once property owner has resolved the issue.
- III. **AMBROSE LOTS**
No further discussion by the Board on this issue.
- IV. **TIME FRAME AMBROSE GRAVEL PIT**
Ken asks the Board if they would like him to contact Rob Ambrose regarding the status of the work being done for the permitting of 155E as outlined in a letter from the Planning Board dated August 9th. Chairman suggests the Board send a letter to Mr. Ambrose asking for status.
- V. **MODIFICATION ITEM ONE ON NEW ADU 5:9:2**
Bill Ricciardi asks a question regarding the criteria "there shall be only one accessory dwelling unit per structure." My question is instead of it reading one dwelling unit per structure, should it be one dwelling unit per lot? Ken Ballance, no we can't change that, we need to stay with what the state law says and they are specific and that it is one accessory unit per one legal residence. If the lot is legally sub dividable we don't have the right to say no they can't have two primary dwellings with one accessory dwelling per structure. Chairman, we could have two houses on an eleven acre parcel that has not been legally subdivided and they could have accessory dwelling units in each house. Ken, yes because we have allowed them to have an accessory dwelling unit because the parcel is legally sub dividable.

Ken Ballance, one discussion that is coming up a lot is that other Towns are adding the language in that if they meet the criteria outlined it would not be a special exception that it would just be a building permit. Ken, so do they meet the criteria? If yes, then issue the building permit that simple but it is up to you guys. Much like how we allow the patio business, if it meets the criteria then it's allowed. Ken continues, I just wasn't sure if you still wanted that to come in before a board now that it is "required" to have that language by State Law. Ken, it doesn't make sense to me to have it come before the board if it meets all the criteria allowed by the State. The ZBA cannot say no if an applicant meets all the criteria, so what is the point to have them go for Special Exception. If the Town says we have specific parameters and if you meet those parameters you can have the apartment.

After some discussion the Board agrees to send the suggestion of removing "by special exception" under 5:9:2 to Town Attorney for review.
- VI. **2017 BUDGET**
Board discusses and agrees to keep the budget the same as 2016 in the amount of \$6,500
- VII. **FINAL REVIEW PB RULES AND PROCEDURE**
Board reviewed the PB Rules and Procedure and was satisfied with the new document. It was motioned by Bill Ricciardi to approve the last version (Final November 15, 2016) of the Rules and Procedure document and take to our January 3, 2017 hearing. Seconded by Kelli Kemery. All were in favor.

VIII PERMITS

David Reilly mentions his concern over applicants using the older version building permit. David refers to permit 2602 and the addition of a new driveway. The old permit does not have any information pertaining to the new wetlands map and ordinance. Clerk states the property owner already has a driveway. David asks why a permit was issued for a driveway. Clerk responds that her understanding is that they are fixing the existing driveway. David states but it would have to conform to the permits of today. Clerk, not on an existing driveway. David suggests everyone use the new building permit. Clerk states she has removed all the old permits from the office and replaced with the new permits which are also on line.

The Board felt strongly about having the new construction permit used and have requested any older version permits be rejected and sent back to the applicant stating they need to use the current form. The Board would appreciate Ken's assistance in implementing this request. Clerk will pass along this information to Code Enforcement Officer Ken Ballance.

Meeting adjourned at 8:23 p.m. Next meeting scheduled for December 20, 2016 @ 7 p.m.

Respectfully submitted by Aimee Manfredi-Sanschagrin.