

TOWN OF CENTER HARBOR
PLANNING BOARD
Meeting
Tuesday, April 3, 2018
7 p.m.

Chairman Charles Hanson called the meeting to order at 7:00 p.m. Board members present Vice-Chair Peter Loudon, Selectmen's Rep Harry Viens, David Reilly, Bill Ricciardi, Mark Hildebrand and Clerk Aimee Manfredi-Sanschagrin. Bob Coppo, Kelli Kemery and Winnifred Boynton were absent.

In the audience: Jim Hambrook, Mark and Nancy Haines, Elliot Berkowitz, Lee and Randy Mattson, Justin Cutillo, Doug Cutillo and Rob.

- I. **MINUTES:** Peter Loudon motioned to accept the March 6, 2018, minutes. It was seconded by Bill Ricciardi. All were in favor.
- II. **PUBLIC HEARING – NRSPR FOR MARK C. HAINES INVESTMENT TRUST MAP 215 LOT 010**

Voting Members: Charles Hanson, Peter Loudon, Harry Viens, David Reilly, Bill Ricciardi and Mark Hildebrand.

Chairman requests the applicant present the case.

Mark Haines and wife Nancy introduce themselves as the owners of the property located on Red Hill Farm Road (fka Red Hill Inn, Belknap College, Music Festival property).

Mark states Jim Hambrook would be presenting.

Jim Hambrook of Hambrook surveying provides a summary of the proposal stating the property was the old Red Hill Inn property. The lot consists of 6.93 acres with the building septic located on a separate lot across Red Hill Farm Road identified as map/lot 215-010.7. The proposal is for a bed and breakfast in the main building, 4 bedroom unit in an existing wood frame structure and a one bedroom unit in the stone cottage. The main building consists of 3 stories which would have 7 bedrooms then a 2 story brick and wood frame building which would have 3 bedrooms. This location has had previous approvals for a restaurant and an Inn.

Jim Hambrook continues, this request is for a bed and breakfast at this time. The septic is more than adequate, I believe it can handle 5000 gallons a day. The use is consistent with what has been there just a scaled down version of previous approvals.

Mark Hildebrand asks if the field below the building would remain as open space along with wanting to know if the lots were subdivided. Jim Hambrook provides information on the lot merger that the PB approved for ERB College Road in March of 2015, which consolidated 18 lots of record into 9. The property owner states that would remain field and will be mowed, the view shed is there and we do not have any plans to put a house there.

David Reilly asks if they plan on adding any structures to the large land area on parcel 215-010 which houses the main buildings. Property owner Mark Haines states it's very wet in that area. Mark Haines also states that the property owners on the other side of College Road, Deborah and George Tall, have a deeded view right across that area so that would limit what would go there. We don't have any intention of building anything in that location.

Mark Hildebrand asks if they plan on getting a liquor license for the location, Mark Haines responds they plan on starting with just a B&B and if they have any plans to go beyond that they would come back to the PB.

Chairman asks if there are any more questions from the Board, the Board responds no. Chairman states he received two letters from property owners that will be entered into the record as part of the application. Both letters are in support of the proposal one from Karen and Mark Ponton residing at 227 High Haith Road. Karen and Mark Ponton went out of their way to recognize the historic significance of the property. The other letter is from Deborah and George Tall. They too are in support of this proposal, the only concern they had is to whether or not you are planning on having outdoor gatherings such as weddings or other celebrations in which amplified music, or amplified mics are involved Chairman states, I don't believe that is not your intent at this time correct? Mark Haines shakes his head no.

Mark Hildebrand asks the Chairman what the process would be if the property owners intend on having weddings or outdoor events. Chairman states they would have to come back to the PB.

Chairman asks if there is any input from the public. Richard Sharpe an abutter to the property is in support of the proposal.

Elliott Berkowitz, ERB College Road addresses the Board. Mr. Berkowitz states he merged 18 lots into 9. Lots behind the property Mark and Nancy purchased have a view easement and it's wet behind there as well so they can't build anything there. The land I still own by the corner where the barn is, that won't be developed either. My main intention here was to maintain the property as closely possible, I don't want more disturbance to what is there already, that has been my intention since purchasing the property. This project interests me because it will preserve what is there.

Chairman closes public input at 7:14 p.m.

Chairman asks if there are any other questions from the Board. Harry Viens Selectmen's Rep asks the property owner/applicant Mark and Nancy Haines if they understand that if they would like to have outdoor events such as weddings or large gatherings that would be a change in use and would require coming back to the PB. Mark Haines responds he understands. Harry states he just wants to make sure that is clear. Mark Haines states he's not sure what the limits are hypothetically asking if the Lakes Region Trust could be there for a meeting without coming back to the Board. Chairman and Selectmen's Rep

state as long as it's inside the building it's fine. Mark Haines, I will be open with you guys once the building is up and operational people are going to ask and I don't want to have to wonder.

Motion to accept application:

Chairman asks if anyone would like to accept the application. **Peter Loudon makes the motion to accept the application as complete. Harry Viens seconds. All were in favor of accepting the application as complete.**

Motion to approve the application:

Chairman motions to approve the proposal as proposed which is to conduct the business as a bed and breakfast. Any expanded use beyond what has been proposed by the applicant will require additional Planning Board approval.

Seconded by Peter Loudon. All were in favor motion passes.

Chairman states there is a 30 day appeal process for anyone that may want to appeal this decision of the Board.

III. **PERMITS**

Board reviewed the permits issued in March

IV. **OTHER**

Informal Discussion Center Harbor Inn:

Chairman announces this is an informal discussion, there will be nothing binding by anything said by anyone on this Board.

Justin Cutillo one of the owners of the Center Harbor Inn announces himself for the record. Justin wanted to open the dialogue with the Board regarding the use of the docks at the Inn. Justin states they bought the property in 2016, as part of the due diligence there were some questions surrounding the docks whether they were for seasonal or transient use. Justin refers to a document from the Selectmen to a previous property owner stating the Inn has the right to rent 3 slips and one mooring seasonally. The Town compiled some documents for us to go over, in reading through the documents it seems the relationship was contentious so we thought we would come in to discuss with the Board whether or not there may be some way to ease the restrictions the Selectmen placed on the docks. My understanding in reading this, and I didn't want to bring my lawyer in here to make this stressful or too official, I know some of you on the Board and I felt it was more appropriate to just come in and have a conversation about it, but my understanding is that affidavits were provided to the PB and Selectmen around 1996 that show that there had been seasonal rentals prior to the zoning going in which I believe was around 1970-1975. There is some back and forth between the Town and the previous owner's lawyer challenging those cease and desist orders. It feels like they negotiated acknowledging the fact that there was pre-existing non-conforming use of this dock system prior to the zoning so they set a restriction on seasonal rental of 3 slips and one mooring. For us it makes a lot of sense to maximize the use of those docks. We've gone through a high season and the way we positioned that property we didn't see a lot of transient dock rentals.

I wanted to see how the PB felt about the scenario and what their recommendations might be in terms of us pursuing next steps. Chairman asks if they would be looking to add more docks. Justin Cutillo responds no, we are just looking for the Selectmen or the PB to acknowledge there was a pre-existing use of the docks and whether or not they can ease the restriction from the 3 docks so we can add more seasonal rentals to garner more revenue.

Mark Hildebrand asks how many docks and moorings there are at the location. Justin Cutillo responds there are 16 dock slips, the 3 slips closer to the beach are really only usable for a jet ski scenario so 13 out of the 16 would be adequate for boats. There are 8 moorings and we use those mostly for transient use. Right now if you rent at the inn we will give you a mooring for free with your rental and the docks we charge an additional \$50 per night with accommodation.

Doug Cutillo, we see people locally that are interested in the docks and we have a property we put a lot into and pretty much requires the quality of the bay. The people who live locally want to keep their boats locally and then the transients come in. We could make more money renting to whoever but we feel it's easier and more stable and less ecologically impactful long term.

Justin Cutillo, I think having seasonal docks would benefit the Town. There is a demand for it I've been asked if we are able to rent the other docks and I always fall back to the agreement with the Town which is prompting this discussion with the Board. Transient use vs. seasonal use, I personally have more faith in someone keeping their boat on Lake Winnepesaukee for the season navigating around the docking system and swim areas than people who are not from here.

I know that the Town uses the lot adjacent to the park for transient trailer parking, if there were a series of docks in town I wouldn't necessarily want to forcibly limit it to people from Center Harbor but that's probably what's going to happen. It will be people in the area that want to leave their boats on our dock system who may live in town and want to have a short drive to down.

When you're driving on rte 25 and see the bay open up and just see the system filled out with boats and maybe a couple sail boats it just presents itself better than the current restrictions that we are under.

Peter Loudon asks, are you going to dedicate a certain number of slips for seasonal and then have a certain number of slips for your guests? Justin, Ideally I would like to rent them out as we choose. There is quite a bit of demand for transient activity which I would have to keep docks open for that. I have zero intention to create a marina down there, with what we have done with the property and where we put our money, I think it's pretty obvious we have no intention to have a marina.

Charles Hanson, first of all I think you have done a fantastic job of that property and I appreciate you taking the approach of coming to have a discussion. I think some of the issue in the past and some of the contentious nature is that people took short cuts and tried to get things done by not following the rules. Honestly with this, this agreement is in full force and affect and this was a Selectmen decision. Selectmen's involvement was due to the enforcement.

Harry Viens, I went through the file and in the notes the word marina kept coming up. I went on line and NH does not have a standard legal definition of marina. One of the things maybe as a talking point is that we could define what is permissible and what is not permissible for a marina in Center Harbor and wouldn't be crossing any lines. Peter Loudon, the example of selling fuel

off the docks. Harry lists other services associated with marinas. Maybe the ZBA could come up with a definition that fits the needs. Justin Cutillo, my understanding is the Selectmen have the purview to interpret the ordinance. Charles Hanson, and then if you disagree you go to the ZBA for an appeal from an administrative decision. To answer your original question, I think we need to do some research on this and have another discussion after we have a chance to look into this a little more.

Doug Cutillo, having run this for a season, I think it will be much more stable to have local people keeping their boats there. Justin, we are more than happy to pursue the ZBA thing, if the interpretation is the original document was a reflection on how the Selectmen viewed this. Ideally to keep it simple, if there is any possibility that the Selectmen could reinterpret the ordinance on a property that clearly had preexisting conditions, I think that would be ideal for our purposes. I understand if that's not the case and that's not what you feel is appropriate but figured I would just spell it out.

Our attorney was under the opinion that it falls squarely on the Board of Selectmen in this particular case which is an odd ball case. Justin, when I read the agreement my first thought was why did the Selectmen have anything to do with a zoning issue. Chairman, because it's enforcement.

Chairman, I think we should research and get it over to the Town Attorney and see which direction we need to send you in. We will not have another meeting until May 1st so we should be able to get something back to you by then.

Meeting adjourned at 7:50 p.m. Next meeting scheduled for May 1, 2018 @ 7:00p.m. Respectfully submitted by Aimee Manfredi-Sanschagrin.