

TOWN OF CENTER HARBOR
PLANNING BOARD
Meeting
Tuesday, June 4, 2019
7 p.m.

Chair Charles Hanson called the meeting to order at 7:00 p.m. Board members present Selectmen's Rep Harry Viens, Secretary Bill Ricciardi, Member David Reilly, Kelli Kemery, Mark Hildebrand, Alternate Member Winnifred Boynton and Clerk Aimee Manfredi-Sanschagrin. In the audience Code Enforcement Officer Ken Ballance, John and Matt O'Neil of Catalyst Partners, LLC (applicant). Absent were Peter Loudon and Rachel Xavier.

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

I. MINUTES:

Bill Ricciardi motioned to approve the minutes of May 7, 2019 as presented. Seconded by David Reilly. Minutes pass unanimously.

II. PUBLIC HEARING – NRSPR BARTLETT HILL ROAD MAP 226-043

Applicant is Catalyst Partners, LLC represented by John and Matt O'Neill. Applicants have a letter of authorization on file to speak on behalf of property currently owned by Thomas and Matthew Jordan. There is a purchase and sale pending on this property. Chair asks the applicants to present their case.

John O'Neil introduces himself to the Board. John indicates the parcel is approximately 2.3 acres, wooded with some power lines and a pond at the back end of the property. The side setbacks are 15' on the side and 25' on the front. The parcel is split between two zones, the front portion of the parcel approximately 1.6 acres is commercially zoned (CI) and the back part is zoned agricultural rural (AR). Our plan is to use only the CI area of the property. There is already an existing driveway and it is currently gated. Properties on either side of this property are residential homes in the CI zone. The lots were created by an approved subdivision back in 1979 for John Jordan.

The use would be for outdoor boat storage there will be no maintenance, no service, no startups done on this parcel all of that work will be done at Meredith Marina. The boats will be stored on this parcel for the winter and then moved back to the marina come spring for startups. Chair asks if the applicant intends on storing trailers. John responds yes, there may be some trailers stored on site during the summer months.

Bill Ricciardi asks if the boats will still have fuel in them. John responds yes, a lot of them probably will. Kelli Kemery asks if the boats will be customer boats or new boats. John responds predominantly it will be customer boats they may have a few new boats that need to be stored on site.

John continues there will be no valet service run from this location and no utilities or commercial signage at this time. Chairman states, the Board will listen to what you are proposing but the one thing I would caution you on is to say no utilities. You may not want to restrict yourself in the event you want to add some lighting or security cameras. John responds, yes I think I said not at this time but in the future we would certainly like to have that option. Ken Ballance adds, you should not lock yourself out so you need to be careful what you are requesting whether it be

immediate need or future need. Chair adds, we will have conditions that we will want imposed right on the plan so the intent needs to be clear. Chair continues, you mentioned there will be no service or maintenance on site. That alleviates a lot of the concern for oil and gas spills so we want to make sure that is articulated on the plan. John adds they may want to shrink wrap on the property which would be the only service they would like to be allowed to do. Chair, I don't think shrink wrapping would be an issue.

Mark Hildebrand asks if it would be Meredith Marina providing the hauling and not customers bringing their own boats there. John responds that's correct just Meredith Marina. There will be no customer or public access.

John continues, we will provide some fencing along the side boundary lines with screening and the front 25' of the lot would be left in its natural state to create a buffer. Our preference is for it to not be visible from the road. The rear of the lot would be left in the undisturbed condition and an infiltration trench will be placed along the back. Chair, will the gate at the front be locked? John responds yes and the plan would be to provide a copy of the key with FD and PD. In regards to traffic in and out, the busy period runs from second week in September to the second week in November so about 8 weeks in the fall and another 8 weeks in the spring. Other than that there should be minimal activity to perhaps plow the access and security monitoring.

Mark Hildebrand asks if the abutters were informed about this meeting. Chair and Clerk respond yes. Clerk adds she has received all certified cards back which is confirmation that all abutters that had been sent letters were in receipt of those letters. (Chair asks this statement be noted in the minutes) Chair adds whenever we have a hearing the abutters are notified. (Abutter notification per RSA 451-C:1, VII requires the town to send notifications via a verified mail method, the Town of Center Harbor uses certified mail notifications).

Bill Ricciardi asks if the road was gravel or paved. John responds that it was gravel and they would keep it that way. Bill asks how wide the road is. John said it's proposed to scale which he believes is 20' wide. Bill continues, regarding the turnaround at the end and his earlier question pertaining to fuel is in relation to whether or not a fire truck could get in and turn around. Ken Ballance states the fire truck would not go in there, there would be too much exposure so the truck would park in the front and pull the hose in.

Mark Hildebrand, so this is zoned residential? Chair responds it's mostly commercial with a small portion in the Agriculture Rural. Mark adds, but it has residential homes on either side of it. Ken Ballance responds, no everything to the north of this parcel is commercial all the way to the town line.

Chair asks if they are trying to indicate how many boats they can store (referring to the plan). John responds no, that is just an approximate. We wanted to show the area in which we will be storing boats it was not intended to be a count on how many boats would be stored.

Mark Hildebrand asks what other type of commercial businesses are in this particular area. Chair responds, a mechanic repair shop and a landscaping facility that the Board approved in 2016.

David Reilly asks if they plan on stacking boats. John and Matt respond no.

Board members ask what type of fencing, what the indentation in sections mean on the plan and whether or not the entrance would be widened. John responds the fencing will be chain link with slats for privacy, the indentations with greenery is where there are currently stone walls which will remain and the driveway entrance will not be widened at all.

Chair, due to the seasonality of your business do you operate outside of normal business hours. Matt responds 99% of the time we are 8 a.m. to 5 p.m. and if people run early or late that business will be mostly at the marina. Chair, and it will be a regular one ton vehicle that will be towing a boat not a vehicle with back up alarms? Matt responds no nothing like that.

Chair asks if Ken Ballance has anything to add. Ken Ballance responds not really, it is a reasonable use. Ken Ballance adds that he has had some discussion with the people in that area and explained what the use would entail and no one showed up so it doesn't appear that it is a concern to them. Chair said yes it's an approved use and to me it seems low impact to the neighborhood and a relatively passive use.

Kelli Kemery asks if they intend on using the location right away. John O'Neil responds they have a pending purchase and sale and upon completion of the 30 day appeal process of the Boards decision, if approved, they would complete their transaction on buying the property.

Chair, I think we just want to make sure that some of the items that were discussed here need to go on the plan. Such as no mechanical work of any type, passive storage only, no public access etc. Ken Ballance asks to add one thing, in the Boards consideration, I think we should make sure the 15' side line remain in a natural state I think that will be a nice buffer to the neighboring properties. Only maintenance cutting. On the back side buffer Carl has the storage area a good distance away from the pond but just make sure that if there is any cutting in that back end that the trees are not falling into that buffer area. John and Matt say that is fine and that is what is outlined on the plan and they will make sure any other wording discussed here is added to the plan.

Board goes through all conditions to be placed on the plan which will also be outlined in the notice of decision.

Mark Hildebrand asks how far this is up DWH. Ken Ballance says it's about $\frac{3}{4}$ of a mile from route 3 up past the dump which is the way they would be traveling. Mark adds, my experience from being a boater for 40+ years and storing boats, it's not pretty to have a parade of boats going up and down the road. When I had my lumber yard in Tilton, Winnisquam Marina stored boats there and frankly I'm surprised we have all these empty seats here because if I lived on that road and knew there were going to be boats going back and forth I would be concerned. Even if you're not an abutter and just have a house there on the dump road. Chair, well I would remind you of this Mark it is commercially zoned and it is allowed. Ken Ballance adds that it is the third most used town road and it is commercially zoned.

Winnifred Boynton, at the beginning of the road when you pass the town shed there is a bridge. How conducive is that to pass with a boat? Matt responds, 90% of the boats are 8 ½ beam. If we have any boats that are oversized they need to stay on the marina property because I don't have the equipment to get them over to this other facility.

Kelli Kemery, just curious now that I'm thinking about this are you proposing to do this to take care of the overflow at the marina and by moving the storage offsite would allow you to do something else at the marina? Matt responds, no this is in addition to our lot. I have been using

the motorcycle museum to store our boats but that building is changing into another business that needs the parking spaces so this lot would take the place of what we had there. John, we've been on route 3 for 4-5 years without any incidents.

No other input or questions by the Board.

Motion to accept the application:

Chair motions to accept the application. Seconded by Bill Ricciardi.

The vote to accept the application 4 in favor 1 opposed.

In favor: Charles Hanson, Harry Viens, David Reilly, Bill Ricciardi, Kelli Kemery.

Opposed: Mark Hildebrand

Clerk asks if it would make sense to clarify on the plan that shrink wrapping would be allowed onsite that it would not be considered maintenance. Chair asks if the Clerk thought it would make sense to do that because the office would be fielding the calls for any type of complaint. Clerk responded that she thinks it would make sense to add it to the plan so there would be no confusion over what they can do there. Chair asks the Board what they thought, Harry Viens thought it sounded reasonable. Bill Ricciardi thought it made sense to add it. Chair states to add "shrink wrapping is allowed" to the plan.

Motion to approve the proposal:

Chair motions to approve the proposal on changes that were discussed during the hearing.

Seconded by Kelli Kemery. Chair asks if there is any further discussion or comments.

Hearing none the Board votes to approve the proposal. The vote was 4 in favor 1 opposed.

In favor: Charles Hanson, Harry Viens, David Reilly, Bill Ricciardi, Kelli Kemery.

Opposed: Mark Hildebrand

John O'Neil asks if the plan as amended is approved. Chair responds yes it's approved but is subject to a 30 day appeal. Board will review and sign the final plan at the next Planning Board which is scheduled for July 16, 2019 at 7 p.m.

III. PERMITS:

Board reviewed permits (Schelzi, Wood, Halsey, Kline) no discussion.

IV. DISCUSSION

SECTION 6 SIGNS

Board discusses review of Section 6. Chair proposes at the Board's July 16th meeting the Board hold a public hearing on input regarding the sign ordinance. The Board originally discussed having a public input session in August but after some discussion it was decided the Board would hold their first public input session on July 16th and then a second input session would be held in August if needed.

Harry Viens updates the Board that the Board of Selectmen's Office (BOS) sent letters to all the businesses in town regarding the sign ordinance and compliancy. The BOS has given 90 days for those businesses that are non-compliant to come into compliancy.

Bill Ricciardi asks some questions regarding the existing ordinance. One question was regarding 6:2:5 deleted March 2007, do we know what that was and does it matter? Ken Ballance says no it doesn't matter it's deleted it's gone. Ken Ballance provides some history to the Board regarding

“grandfathering” of anything including signs. Grandfathering is not a term recognized by the State, the term is “pre-existing non-conforming” and there are only two signs in this town that fall under the pre-existing non-conforming criteria for zoning and that is the sign at Heaths where the hardware store is now and the lit sign where the old hardware store was which is where Yikes is now. Those are the only signs in this town that pre-exist the ordinance.

Ken Ballance continues, any section that has been deleted the reference must stay there to keep the numbering consistent and as a note for referral. Bill mentions Section 6:3:3 and how it refers to Section 4:4:6:1:8 and that the Board needs to look at that Section as well when dealing with the sign ordinance. Ken Ballance adds we do need to look at 6:3 each business under one ownership that should probably read “location” under one ownership because in the next section it refers to signage for condominiums which is what we have over at Senters Market. Ken Ballance continues, Yikes is all one owner space and Senters is condominium space so a business in Senters market can have their own 60-80 sf of signage because they have the separate square footage of space as opposed to Yikes who because it’s one owner and not a condo, has to split that square footage of signage allowed between all the businesses that are housed in the location. In the case of Yikes, that whole building is allowed 100 sf total so we need to clean up the wording so it’s easy to understand. Another example would be Maxfield’s building, that has 3 businesses in that building but it’s not a condominium so the total signage allowed would be based on the square footage of the entire building not for each individual business that is in there.

Harry Viens, it seems a bit unfair that it would only be 100 sf for a bunch of businesses. Kelli Kemery I was thinking the same thing that if you have one building and three businesses in there you are somewhat being punished. Ken Ballance, look at the number of signs on Yikes you don’t think that looks bad? Harry, but the business should be allowed to have some signage 100 sf doesn’t seem like a lot for all the businesses in that one building. Ken Ballance, but then you are going to have more signs out there. What you have now if you remove the signs in the windows and the Mug by the Bay sign that’s 100 sf on that building what do you want to allow 300 sf? Harry, ok so what you are saying with the Bay sign gone and all the stuff in the windows removed they would be ok? Ken Ballance, I have all the businesses in town bringing in a complete inventory of what they currently have and we will keep that on file to use when potentially looking at changing this section because there will be issues. We have been overlooking it for a long time. For example the banners, those are not allowed. Chairman, like the barbeque place has those banners and I think that’s a marketing change. Ken Ballance, I understand that but we are not geared for that. People of this town up until perhaps now, did not want this town to look tacky. Harry again to Ken Balance, just to clarify on Yikes with the Bays signs gone and the stuff removed from the windows they are compliant? Ken Ballance, I am not totally sure that is why I asked for an inventory of what is there so we can determine if they are or not. Ken continues, the Asquam Carpentry added 5 signs on this side facing us here so that is why we requesting an inventory and by removing the banners from the windows of the print shop that would certainly help because that alone was 32 sf. Maxfield 64 sf of signs in those two windows where they have 8 x 11 sheets of paper listing properties for sale.

Harry Viens, I like the inventory approach. Ken Ballance, well that is what we have to do before we approach making any changes we need to know what is there and take a look at whether or not to expand or leave it alone. Kelli Kemery asks for clarification on the Maxfield building. Ken Ballance, in every square pane of those windows they have a listing of something for sale that is a sign, advertising something for sale is something that we consider based on our ordinance.

Ken Ballance, another example is we have a section that says there will be no internally lit signs in the town with the exception of one and that is at Pauquettes. When that was approved we didn't have the language right so that one was allowed and then we changed the language so no others were allowed. Those lit signs that say "open" even if it's posted on a back wall but it's visible from the outside or roadway are not allowed but we have them all over the place. I say we need to have every business with signs in this town re-permit starting right now as we are going through this because our ordinance says you "shall" permit and no one has been doing that they just put signs up. Ken continues, one Sunday a few weeks ago I saw a woman over at the Yikes building putting up 4 signs for the Asquam Artisans. I went down there and said you can't do that she said to me "I certainly can" so what am I going to do argue with her on a Sunday. We have an ordinance that says you must get a permit period. Kelli Kemery, so if we start fresh now we will know exactly what we have. Ken Ballance, yes exactly that's my point, now is the time to get this straightened out and take the opportunity to clean things up and then if the Board decides to modify the ordinance and allow additional signage we know what is currently there and know what can be added or not.

Chair, I just want people to understand the BOS enforce the ordinances that we bring to the Town during Town Meeting. We are using this as an opportunity because they basically whacked the hornet's nest to get input and they will come if there is a public session.

Mark Hildebrand asks if we re-permit signs will that impact Heath's. Ken Ballance, no they are pre-existing non-conforming. Mark Hildebrand, so Heath's Hardware and Yikes illuminated sign would be the only two in the whole town? Ken Ballance, well I can't think of any that pre-exist the ordinance but if they come forward and can prove they did then fine. We are not looking to take signs away but there has to be starting point if we are going to have an ordinance at all. Believe it or not, and you make think this is crazy but Aimee knows because she's in the office when the calls come in, I get people on the other side of town that say "you have the audacity to come down on me about the setback on a shed but you let those people down in town do that". So finally I brought it forward, it's time to do something one way or the other.

Chair, we would look at what other towns around have as a sign ordinance. Ken, you have to be careful about doing that. I think we have a good ordinance we just need to clear up anything that is inefficient.

Discussion came up regarding signage for businesses vs. home occupation. Ken Ballance states home occupation has its own section it does not fall under the same parameters as a regular business. The section for home occupation tells you what you can do in a home occupation period. If it doesn't say you can do it you can't. That is how it is in the Town of Center Harbor that is the way it's always been. Harry Viens, so that means inflatables and banners you could put them up. Ken Ballance, no you can't because it does not say you can. Mark Hildebrand, I can tell you from my own experience with Seabrook, Merrimack, West Lebanon, when I had to get a sign with the building inspector it was very cut and dry. Moultonborough, where I am now where Galaxy Gym is, that sign board when Annie Pauquettes laid it out there should be 6 business signs in there because there are 6 units in that building. Only Galaxy Gym wanted a sign out front so when I went to the PB in Moultonborough and I said I want a sign too because none of the other businesses wanted a sign they said you can have the rest of the sign board for yourself. Ken Ballance, we are very liberal with the size of signs compared to other towns. I am part of this network with other Code Enforcement Officers and you may not think it but we are very liberal compared to some of the other towns.

Chair, we will plan to advertise a hearing for July 16, 2019 at 7 p.m. The purpose of the hearing is to take input on the potential changes to the existing chapter 6 sign ordinance and plan on having a second one in August if needed. Clerk, on something like should we notice in the newspaper. Chair, yes I think we should. Clerk will notice hearing in the Laconia Daily Sun post notice in the Library, Town Office, Town Office reader board, Post Office and Town website under the PB and Home pages.

SUDIVISION REGULATIONS

Chair states there was a brief discussion with Ken regarding our subdivision regulations and we may want to make some minor adjustments to clean up that section. One was to clearly state the road of any new subdivision is to be a separate lot and that the road either needs to be built before any lots are sold or the road needs to be bonded. Ken Ballance, the road should be built.

V. ADJOURNMENT

Meeting adjourned at 8:14 p.m. Next meeting scheduled for July 16, 2019 @ 7 p.m. Respectfully submitted by Aimee Manfredi-Sanschagrin.