

TOWN OF CENTER HARBOR  
PLANNING BOARD  
Meeting  
Tuesday, August 6, 2019  
7 p.m.

Chair Charles Hanson called the meeting to order at 7:00 p.m. Board members present Vice-Chairman Peter Louden, Selectmen's Rep Harry Viens, Secretary Bill Ricciardi, Member David Reilly, Kelli Kemery, Mark Hildebrand. Alternate Member Winnifred Boynton, Rachel Xavier and Clerk Aimee Manfredi-Sanschagrin. In the audience Code Enforcement Officer Ken Ballance, Paul and Jan Maggi, Robert Heath, David Dolan and late arrival Ben Bare.

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

**I. MINUTES:**

Peter Louden motioned to approve the minutes of July 16, 2019 as presented. Seconded by Harry Viens. Minutes pass unanimously.

**II. PUBLIC INPUT SESSION TOWN ZONING ORDINANCE SECTION 6 – SIGNS CONTINUED FROM JULY 16, 2019**

Chair opens the continued hearing from July 16, 2019, stating the last meeting seemed to imply that we have a good sign ordinance in place and that we may need to look at a few sections for clarification purposes. Chair asks if anyone has additional input they would like to discuss.

Sheila Mohan mentions the Board should look at 6:3:4 and determine if it needs to be adjusted. The reason for her statement is because she has a different interpretation than Ken Ballance does so to avoid confusion or misinterpretation, the Board should review and perhaps decide to reword that section for clarification.

Board agreed they would review Sections 6:3:1 and 6:3:4. It was also discussed that the Code Enforcement Officer had requested each business provide an inventory of what they have for signage now to determine whether or not they were in compliance. Once the inventory was received and confirmed for compliancy, it was recommended by the Code Enforcement Officer that each sign be re-permitted in order to keep accurate records. Ken states the majority of businesses did not submit construction permits for their signage per the requirement under Section 6:10. Ken continues, it makes sense to have them all permitted so from this point forward we know what's out there and when they want to add or replace something we have a starting point. Right now we have nothing on file for the vast majority of businesses. Selectmen's Rep Harry Viens requests Ken draft a letter outlining what he would like to have filed and the Board of Selectmen would issue the letter.

Chair asks if there was any other input. Chair states he would leave the hearing open in the event we had late arrivals to the session.

**Final discussion/Closing:** Chair returns back to the sign ordinance input session at 7:33 asking if anyone wants to add any input. Chair states the only comments during this continued hearing were received by Sheila Mohan and Ken Ballance who were also in attendance for the first hearing. In the first hearing we had a few people from the public attend. Chair requests that the

minutes reflect the extra steps the Planning Board took to properly advertise this hearing. Publication in the Laconia Daily Sun, posting of public notices in 3 public places (Town Office, Post Office and Library) posting on the Town's outdoor reader board (thank you Karen Ponton for posting that for us) and on the Town's Website.

**Chair closes the sign hearing at 7:34 p.m.**

Board is to review 6:3 and 6:3:4 along with perhaps deciding if they should add "no feather flags" to Section 6:6. Board should consider adding "Signs require building permits" to the Site Plan Section and to the Site Plan Application. Under 6:2:1 consider changing that to perhaps removing the charitable and non-profit requirement. 30 day limit on temporary signs may need to be looked at by the Board of Selectmen as it pertains to enforcement of their removal.

**III. PUBLIC HEARING – MAGGI AMENDED SUBDIVISION MAP 209 LOTS 001 TO 008** The applicant is requesting the removal of the condition set forth in the April 7, 2009 Subdivision approval which requires the installation of a 15,000 gallon cistern upon the submission of the third Construction Permit.

Chair announces the case for amended subdivision of land owned by Jan C. Maggi. Jan and Paul Maggi were in attendance. Chair briefs the Board on the original subdivision stating the previous Fire Chief required that a 15,000 cistern be installed upon submission of the third construction permit. Chair asks if Paul or Jan would like to make a statement.

Paul Maggi introduces himself and his wife Jan and provides the Board with a brief history of the property and the requirements of the subdivision as outlined in the minutes from 2008-2009. Paul also states a lot has changed with fire code requirements over the last 10 years. Paul states he has had a conversation with the current Fire Chief Manville and explains, as written in his letter to the Board, he's neither in favor of or opposed to removing the condition of the cistern requirement that he was deferring to the Board to make that decision. (Letter supplied to the Planning Board from Chief Manville on or about June 24, 2019). Paul goes on to state that he has had conversations with the Fire Marshall regarding a fire pond vs. home sprinklers. Paul Maggi's request is that the PB remove the requirement of the fire pond/cistern and he would consider providing another means of fire suppression in the covenants once a lot has conveyed to a new owner.

Paul Maggi discusses the subdivision of the Red Hill Inn property and when that was subdivided there was not mention of a fire pond. Ken Ballance states because there is already a huge one in the center of the property. Paul Maggi asks if it's a drafted system. Ken Ballance responds it can easily be set up as one, I don't know if it has a hydrant. There wasn't one when I was a Fire Chief but it can be easily drafted.

Chair states Chief Manville submitted a letter to the Board as well as providing verbal input to the Chair and the Clerk prior to him leaving on vacation which is why he would not be in attendance for this meeting. Chair continues, during that conversation the Chief stated he checked with the Fire Marshall and there are no requirements to have a fire pond for a subdivision and understood there was an expense with putting in the fire suppression sprinklers and gave us the impression that he feels it's up to the home owner. The reality is they are surrounded by towns with big tanker trucks and they can make it work so he felt whatever the Board decided would be fine with him.

Bill Ricciardi asks Paul Maggi to elaborate on a statement he made about other alternatives for

fire suppression. Paul Maggi states it would be the installation of residential sprinklers. He would be willing to work that into the declaration for each parcel in the subdivision. The other option was the fire pond across from the Danes property.

Kelli Kemery asks the significance of the fire retention pond going in after the 3<sup>rd</sup> building permit. Ken Ballance responds, two structures generally when separated on larger lots is not a problem. When you get to someplace where you have two structures that are fairly close together, the town fire departments initial ability is to handle one and then requires all departments to handle the second. When you have three properties and you are dealing with heavy wind causing forest fire then your ability goes down quickly even with tanker trucks coming so that was the whole premise of this trigger upon the 3<sup>rd</sup> construction permit being submitted. Ken Ballance continues, Chapter 12 of the IRC which pertains to home sprinkler systems, the State of NH has elected to remove from the code so there is no requirement for this. Mr. Maggi can write that into his deed but we can't get into that. For us as a Town, unless we bring it to Town Meeting and ask if we want to have every structure built from this point forward to have sprinkler systems installed, it's not our issue. The IBC commercial code is still there. Mark Hildebrand agrees with Ken that the town should not get involved. Chair also agrees it's the homeowners responsibility let their home owners insurance dictate requirements.

Bill Ricciardi wanted to clarify that we are not deciding on which type of fire suppression system he should have the applicant just wants us to remove the requirement of the fire pond correct? Chair states yes, the motion would be to remove the requirement of the cistern as required in the April 9, 2009, Notice of Decision. (The cistern requirement is not on the subdivision plan itself only dictated in the Notice of Decision.)

**Motion: Harry Moves to remove the requirement of the cistern as required in the April 9, 2009, Notice of Decision. Seconded by Kelli Kemery. Board voted all were in favor of removing the condition.**

**Chair informs Paul and Jan Maggi of the 30 day appeal.**

#### **IV. PUBLIC HEARING – KERNEN SUBDIVISION MAP 220 LOT 020**

The proposal is to subdivide map 220 lot 020 which consists of approximately 9.02 acres into two lots of record. Lot one with a single family dwelling and outbuildings will consist of 3.30 acres. Lot two will consist of the remaining land of approximately 5.73 acres. This lot spans two different zones. Lot one will remain in the Commercial Light Industry with a small portion of Agricultural Rural. Lot two will be Agricultural Rural only.

Chair opens the hearing by announcing the case and deferring to David Dolan, Surveyor and representative for Brandon and Reagan Kernan the owners of the property. The application is for a two lot subdivision. Property is located at 160 DW Highway. The property has an existing home and outbuilding and consists of approximately 9 acres.

David Dolan mentions there are wetlands on the property that are not indicated on the town water resource map. Chair states, as an FYI to someone like you who comes before us from time to time, our wetlands/water resource map is not set in stone. We take information we get from on the ground evaluation and every so often we update the data. We have lots where our map has shown there are wetlands but based on a soil scientist report it is determined there are no wetlands so we rely on the data provided to enhance our maps. David Dolan, we have indicated the 50' set

back on this plan regardless but we have determined they are wetlands.

David Dolan continues, the proposal is a two lot subdivision between two zones which are the Commercial Light (CI) and the Agricultural Rural (AR). Chair asks to interrupt and state this is important for people to know in case some of you were wondering why there was not a 5 acre minimum and that is because a portion of this land is in the CI zone so the 5 acre minimum does not apply to that zone. Lot one will contain 3.3 acres consisting of approximately 576' of road frontage on DW Highway along with existing house, septic, well and outbuildings. That lot did require state subdivision approval which I did receive and did present. Lot two is 5.7+ acres with 270' of road frontage on College Road. The way we designed the subdivision basically was by breaking up the road frontage.

David Dolan continues he spoke with Jeff Haines the Road Agent in regards to the driveway access to lot two. We did not show the driveway location on this plan but it was discussed the access would be as close to the northerly property line on College Road as possible. We have a small wetland area so we have to adhere to that set back so we at least have to be 50' from the northerly lot corner of College and Keyser Roads. If that is the access granted, we would get a driveway permit and have to remove a large section of the stone wall. Chair asks if the only location for a home would be the back corner. David Dolan says no there is a small building envelope close to the road frontage that could meet all the required setbacks. If they wanted to build out back they would have to deal with wetlands crossing.

Chair asks if there are any questions. Harry Viens asks if David Dolan could indicate exactly where the curb cut would be for this property because that is a very dangerous intersection. David Dolan states it will be as close to the wetland on the northerly point of the lot as they can get it so basically as far away from the intersection as possible. It would be accessed from College Rd. Chair states if you could show that on the final plan we would like to see that because it is a concern and we want to make sure that information is visible on a plan. David Dolan I will note it as the possible driveway location.

Bill Ricciardi states, but the driveway is really not an issue until someone plans to build on that lot and not really relevant to the actual subdivision. Chair states, we could note on the plan that the access to lot two would have to be as close to the northerly corner as possible. Bill Ricciardi, I think it would be a good idea to have it on there so when someone is ready to build they know there is a specific location for the driveway. David Dolan said he would show a graphic location with a note stating the driveway is to be as close to the northerly corner as possible adhering to all the setbacks.

Chair asks the Clerk if the application is complete, Clerk responds yes. Chair asks for a motion to accept the application.

**Motion: Bill Ricciardi motions to accept the application. Seconded by Peter Loudon. All were in favor of accepting the application.**

Chair asks if there are any other questions for David Dolan. Hearing none, Chair asks if anyone would like to make a motion to approve the subdivision as proposed with the criteria that the proposed driveway will be indicated on the plan.

**Motion: Peter Loudon motions to approve the subdivision as proposed with the criteria that the proposed driveway will be indicated on the plan. Seconded by Bill Ricciardi. All were in favor of approving the proposed subdivision.**

**Chair states there is a 30 day appeal and that plans per the Planning Board By-laws will be**

**signed on the 31<sup>st</sup> day after an approval is given.**

**V. PERMITS:**

Board reviewed permits (Duymazlar, Seely, Olsheskie, Mitchell, Black, Fitzgerald, Crocket x 2, Miller, Ambrose, Davis, Tinel, Nefores) no discussion.

**VI. ADJOURNMENT**

Meeting adjourned at 7:53 p.m. Next meeting scheduled for September 3, 2019 @ 7 p.m.  
Respectfully submitted by Aimee Manfredi-Sanschagrin.