

TOWN OF CENTER HARBOR
PLANNING BOARD
Meeting
Tuesday, April 21, 2020
6 p.m.

Due to COVID-19, this meeting was conducted via Zoom. Participants, which included the public, could join the meeting through video web or by telephone. All documents pertaining to this meeting were sent electronically to Board members and the same files were posted on the Website under the meeting announcement on the PB Calendar for public access.

Chairman calls the meeting to order at 6 p.m. Chair announced the meeting was being recorded and provides the protocol of the meeting (that document is contained in this set of minutes). Chair then turned the meeting over to the Clerk to provide the Roll call of PB Members/Alternate Members.

Roll Call: **Chairman, Charles Hanson, in attendance no one else in the room**
 Vice Chairman, Peter Loudon, in attendance no one else in the room
 Secretary, Bill Ricciardi, in attendance no one else in the room
 Selectmen's Rep Harry Viens, in attendance no one else in the room
 Member, Mark Hildebrand, in attendance no one else in the room
 Alternate Member, Rachel Xavier, in attendance no one else in the room
 Clerk, Aimee Manfredi, in attendance no one else in the room.

Not in attendance: Members David Reilly and Kelli Kemery.

Clerk turns the meeting back over to the Chairman.

Chair announces the voting members are: Charles Hanson, Harry Viens, Peter Loudon, Bill Ricciardi, Mark Hildebrand and Rachel Xavier.

I. MINUTES:

Peter Loudon motions to approve the March 3rd and April 16th as read. Seconded by Bill Ricciardi. All were in favor of passing of the minutes of both March 3rd and April 16th.

II. PERMITS:

No discussion on the permits.

III. OTHER:

ELECTION OF OFFICERS:

Chairman: Bill Ricciardi nominates Charley Hanson to continue as Chair. Seconded by Harry Viens. All were in favor. Charles Hanson abstained from the vote.

Vice Chairman: Charles Hanson nominates Peter Loudon to continue as Vice Chair. Seconded by Bill Ricciardi. All were in favor. Peter Loudon abstained from the vote.

Secretary: Peter Loudon nominates Bill Ricciardi to continue as Secretary. Seconded by Harry Viens. All were in favor. Bill Ricciardi abstained from the vote.

Clerk: Peter Loudon nominates Aimee Manfredi-Sanschagrin as a non-voting member Clerk. Seconded by Charles Hanson. All were in favor.

PLANNING BOARD RULES OF PROCEDURE AND POLICY UPDATES

Chairman states we have a few modifications to both our Rules of Procedure Document and the Planning Board Policies. Taking the Rules of Procedure document first, change to the following Sections:

- **Members and Alternates number 6** has been modified to remove the Clerk as always serving as the third alternate only when a quorum is required.
- **Meetings under number 1** time of meeting changed from 7 to 6 p.m.
- **Meetings under number 6 letter (b)** Roll call by the Clerk instead of the Chair
- **Notice under number 2** the Board decided to add Verified Mail per RSA 21:53 to their method of notification of hearings in addition to primary option of Certified Mail. This will allow the Board to send mail by other means if there is a reason Certified Mail appears to be an obstacle. The Board had some discussion about this, all were in agreement the preferred method will always be Certified Mail but in an event that becomes unavailable or problematic, the Board now has the ability to decide on another means of personal notification of a hearing.

Motion: Peter Loudon motions to approve all the changes outlined in the Planning Board Rules of Procedure document. Seconded by Bill Ricciardi. All were in favor.

Roll Call Vote taken by the Clerk: Charley– aye, Mark– aye, Rachel– aye, Harry– aye, Bill – aye, Peter-aye.

PLANNING BOARD POLICES

The Board did not review the PB policies only the Rules of Procedure document. The Planning Board Policies will be reviewed at a different date. The changes contained in the Polies and Procedure document are as follows:

- **C. APPLICATIONS II**
To modify the wording to read “All applications and relevant documentation must be submitted **in both electronic and hard copy format** to the Clerk 18 days prior to the first Tuesday of the month. (as recommended by Town Attorney)
- **G. VOTING PROCEDURES I**
Delete the entire entry for consistency with the Rules and Procedure document change under Members and Alternates number 6.
- Adjustment for alphabetical reference on Permits (change from H to G) and Miscellaneous (change from I to H)
- Reaffirm all other polices contained in the document as stated under **MICELLANEOUS III** which reads “Planning Board Policies shall be reviewed every even numbered year right after Town Meeting”.

UPDATE MAY 5TH HEARING KLINE AND NASON/HAYES:

Chair provides the Board with a brief update on an upcoming hearing regarding Kline Road. Chair states he has been in contact with the Town Attorney and Carl Johnson the Surveyor who will be presenting the proposal.

Robin Woodman will be the Clerk Pro-tem for this proposal because Aimee needs to recuse herself. Over the next few days Robin will be sending the Board documents received on this proposal.

Chair continues: I've spoken to Carl Johnson and we agreed this will not be a simple one-meeting Boundary Line Adjustment (BLA) hearing. Based on the complexity of the application that has a road construction aspect as part of it, while the road location was already approved during the original subdivision hearing, by requesting a change by way of the BLA, it reopens the review to make sure we can appropriately address the road construction. We may require a bond; we may have questions of the engineer; we may have to hire an engineer at the applicant's expense to review what is being proposed potentially; etc..

We anticipate the first meeting, which is scheduled for May 5th, will be somewhat of an introductory meeting where Carl will present and provide the Board with information on what they have learned to date. What I mean by that is the property owner has to obtain a wetlands permit from DES because there are some significant wetlands issues that need to be addressed. The Wetlands Bureau has not only been slowed down with the COVID-19 situation; but the situation is also compounded because of the new rules that were implemented at the end of the last year, which are quite extensive. The DES rep who has been assigned to the permit wants to have a pre-application meeting to go through the proposal. Carl does not believe he will have any information back from DES by the first meeting which is fine so we will probably continue that meeting so we can request a site walk to the property. Carl would be at the site walk, but it's unknown if the engineer would be there but if the Board feels strongly that they need the engineer there, I will make that request. The site walk will be an official meeting so there is a protocol, which will be provided. The important thing at an off-site meeting is we cannot talk to each other about the proposal, the purpose of the site walk is for the Board to be able to ask questions and gather information regarding the proposal. There will be NO public input or deliberation while at the site visit. You will have a chance to look at the plans before the first meeting, hear about the proposal at the first meeting then attend the site walk so Carl can explain the proposal in the field. The proposal is to reduce the width of the 50' ROW at the Nason/Hayes lot and make it a 30' ROW conveying a 20' strip to the property owned by Nason/Hayes along with some other conditions you will see in the application and on the plans.

By coming for the BLA it opens up the review where we have a road that years ago was already approved and those wetlands, back in 1993 or thereabouts may not have been what they are now. The plan shows over 9,000 sf of wetlands at this point. Carl will not have many answers pertaining to the wetlands until he can work through this with DES. After the site walk which again will be an information only meeting, we would continue the meeting at our next PB meeting date of May 19th. We would have some time to digest everything from the first meeting and then from the site walk and regroup. Attorney Boldt will be on or at the May 19th hearing and if we need to, we may need to continue the hearing again so we can have a confidential conversation with Town Attorney.

The Board discussed the possibility of putting participants (minus the Board Members and Town Council) in the virtual waiting room so the Board can have a discussion with Town Council or if it is best to continue the hearing and have a separate meeting with Town Council if needed. Chair will discuss further with Town Council.

Chair concludes: I want to remind everyone at the end of the day our only job is to take the information, which is pertaining to a Boundary Line Adjustment and the road construction, and apply it to our regulations.

IV. ADJOURNMENT

Meeting adjourned at 6:46 p.m. Next meeting scheduled for May 5, 2020 @ 6:00p.m. Respectfully submitted by Aimee Manfredi-Sanschagrin.

A Checklist To Ensure Meetings Are Compliant With The Right-to-Know Law During The State Of Emergency

As Chair of the Center Harbor Planning Board I find that due to the State of Emergency declared by the Governor as a result of the COVID-19 pandemic and in accordance with the Governor's Emergency Order #12 pursuant to Executive Order 2020-04, this public body is authorized to meet electronically.

Please note that there is no physical location to observe and listen contemporaneously to this meeting, which was authorized pursuant to the Governor's Emergency Order. However, in accordance with the Emergency Order, I am confirming that we are:

a) Providing public access to the meeting by telephone, with additional access possibilities by video or other electronic means:

We are utilizing the ZOOM platform for this electronic meeting.¹ All members of the Board have the ability to communicate contemporaneously during this meeting through this platform, and the public has access to contemporaneously listen and, if necessary, participate in this meeting through dialing the following phone (See website for call in and password) or by clicking on the following website address: www.centerharbornh.org/planning-board

b) Providing public notice of the necessary information for accessing the meeting:

We previously gave notice to the public of the necessary information for accessing the meeting, including how to access the meeting using Zoom or telephonically. Instructions have also been provided on the website of the Center Harbor Planning Board at: www.centerharbornh.org/planning-board

c) Providing a mechanism for the public to alert the public body during the meeting if there are problems with access:

If anybody has a problem, please call 603-481-1485

d) Adjourning the meeting if the public is unable to access the meeting:

In the event the public is unable to access the meeting, the meeting will be adjourned and rescheduled.

Please note that all votes that are taken during this meeting shall be done by roll call vote.

Let's start the meeting by taking a roll call attendance. When each member states their presence, please also state whether there is anyone in the room with you during this meeting, which is required under the Right-to-Know law.

¹ Many public bodies are utilizing video teleconferencing technology, such as Zoom, to ensure the electronic meeting comply with the Right-to-Know law and any applicable due process requirements. In certain circumstances, a regular business meeting of a public body may be conducted utilizing audio-only technology. If you have any questions about the appropriateness of the technology utilized to conduct your meeting, please consult your agency counsel or the Attorney General's Office.