

TOWN OF CENTER HARBOR
PLANNING BOARD
Hearing
Tuesday, August 18, 2020

Due to the 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.

The Chairman called the meeting to order at 6:00 P.M. Mr. Hanson announced that the meeting was being recorded and provided the protocol of the meeting (that document is contained in this set of minutes). Mr. Hanson asked Bill Ricciardi to do the Roll Call of the PB Members/Alternate Members.

**Roll Call: Chairman, Charles Hanson, in attendance with no one else in the room
Secretary, Bill Ricciardi, in attendance with no one else in the room
Selectmen's Rep, Harry Viens, in attendance with no one else in the room
Member, Kelli Kemery, clerk Pro Tem, in attendance with no one else in the room
Member, Mark Hildebrand, in attendance with no one else in the room
Alternate Member, Rachel Xavier, in attendance with no one else in the room**

Not in attendance: Vice Chair Peter Loudon and Member David Reilly

Due to our clerk having to recuse herself, Kelli Kemery has been appointed clerk Pro Tem for this matter.

All votes will be by Roll Call. Voting members are: Charles Hanson, Bill Ricciardi, Harry Viens, Kelli Kemery, Mark Hildebrand, and Rachel Xavier.

I. MINUTES:

Bill Ricciardi motioned to approve the Minutes of August 04, 2020 as read. Seconded by Mark Hildebrand. Mr. Hanson commented that there was no substantive change but were some spelling and grammar errors to clear up. Mr. Hanson asked if there was any discussion or comments. Hearing none he called on Bill Ricciardi to do the Roll Call: Charles Hanson-Yes, Bill Ricciardi-Yes, Harry Viens-Yes, Kelli Kemery-Yes, Mark Hildebrand-Yes, Rachel Xavier-Yes. The vote was unanimously in favor.

II. HEARING – AMENDMENT TO SUBDIVISION AND BOUNDARY LINE ADJUSTMENT BETWEEN EDWIN KLINE JR. TAX MAP 212 LOT 32 AND J. CONOR AND AMANDA HAYS TAX MAP 212 LOT 30 CASE 2020-05-05 CONTINUED. This hearing has been continued from the August 4, 2020 meeting. Mr. Hanson said that the Board had not received the revision so he started the hearing by making a motion that the Board continue this hearing not to the next meeting but to the September 15, 2020 meeting.

Mr. Hanson said that he had talked to Mr. Johnson and the Board should have the revisions along with a written report sometime later this week. Mr. Hanson asked Mr. Johnson if that was correct. Mr. Johnson said yes and as a matter of fact they had received the plan late that day (9-18-2020) and they are in the process of reviewing the plan, as well as the comments.

Mr. Johnson said that there are a lot of wheels turning here. The engineering is one important component of it but there are other issues. Mr. Johnson said they have to make sure that they are putting forth something that is a plan that hopefully, at the next continued meeting, there will be sufficient time for the town's engineer to review the changes and make some tweaks so that at the next meeting they will have a plan that the Board will feel comfortable voting on. Mr. Hanson said that he was glad that Mr. Johnson brought that up because the Board would like to keep this moving along.

Mr. Hanson said to that end, at the last meeting several members expressed interest in another site walk. Mr. Hanson proposed that instead of doing a formal site walk, where the Board can only take in information and not deliberate when we are out, once the Board gets the plan, it would be nice if individuals go on their own. Mr. Hanson said that if the Board members do go by themselves and they have someone they would like go with them that is a Planning Board member that is fine; but not more than two Planning Board members because there can not be a quorum, but if you need to go out with somebody you can go with somebody else. Mr. Hanson said that from a COVID perspective this would be safer. Mr. Hanson asked Mr. Kline if that would be alright with him to grant his permission for individuals to drive out there and take a walk after they have received copies of the final proposed plan. Mr. Kline said that that was perfectly fine. Mr. Hanson thanked Mr. Kline. Mr. Hanson asked the Board if everyone was on board with that concept. The members said they were.

Mr. Hanson asked Mr. Ricciardi if he had a comment. Mr. Ricciardi said he was wondering, as we all possibly go for a site review and walk the site, because things are changing a lot, not everybody is going to be able to look at a plan and visualize what is happening. Mr. Ricciardi asked if it would be possible, that maybe in the section in front of the Nason/Hays property, to stake out and run some strings along to illustrate the size of the road, where the culverts are going to be, not the whole road just a little section of it so we can really get our minds around what is supposed to happen there? Mr. Johnson said that in a normal situation he would say that it is possible. Right now, Mr. Johnson's leg is in traction with a broken fibula in two places. Mr. Johnson said that he might not be able to get to far into the woods but he could probably manage to get something marked in the area of the Hays' house to the stone wall and perhaps a little out beyond. Mr. Johnson also said that he wanted to point out that the first site walk was before they had the exact engineering plan. The plan that the Board was looking at had essentially an eighteen-foot surface with the shoulders and a twenty-three-foot box which is essentially not going to be much different than what the Board will be looking at now. There is not a tremendous amount of difference between where we were then and where we are now. Mr. Johnson said that he didn't know if that information was helpful but he will certainly do whatever the Board wants to do in

terms of getting something on the site to look at. Mr. Hanson said that he didn't think that Mr. Johnson needed to go into the woods at all. Mr. Hanson thought that the area that is open in front of the Hays' will be illustrative enough to have stakes where the road width is, along with identifying the section where the retaining wall is going to be and maybe any drainage structures nearby, just to see what that will look like. Mr. Hanson feels that could be very helpful for folks to put it into context. Mr. Ricciardi said his other point being, that if we don't go as a group there will be nobody there to ask questions of. Mr. Ricciardi thought if they could see an illustrated section of it because they will not be carrying around plans, it might help to visualize the rest of the plan.

Mr. Hanson asked Mr. Johnson if he could let the Board know when he would be able to set that up so that he could let the full Board know when they could go out. Mr. Johnson said he could. Mr. Johnson said that he thought that the process would be that once they, as a group, sort of bless the plan they will send it off to the Board. Immediately after that Mr. Johnson will go out and put the markers in the field. Mr. Hanson asked if that was good with the Planning Board members. Mark Hildebrand asked when the meeting was going to be continued to. Mr. Hanson said September 15th, by that time what we will hope to have accomplished is that most if not all of the Board members will have had a chance to go out and actually look at the site so that if they do have questions, they can ask Mr. Johnson and put it together with what they have seen. In addition, they Board will have had the final proposal and that out town engineer will have done a final review on that to get any last minute comments on so that potentially the Board will have enough information so that the Board can take action at that meeting (9-15-2020).

The next meeting will be a deliberative meeting, to discuss and potentially move this project forward.

Helen Heiner asked when the public would have access to have a look at this and how will they get it. Mr. Hanson said that once the plans are submitted, they are available to the public. Mr. Hanson told Ms. Heiner that she could contact Robin Woodaman at the Selectmen's Office and she would be able to send a copy of what has been submitted. Mr. Ricciardi asked Mr. Hanson if they would be able to see the plans after they have submitted or after they have been approved. Mr. Hanson said both. At this point it is a proposal that they are looking at no action has been taken on it until potentially the next meeting. Kelli Kemery asked if there will be any notification on line to indicate when the plans have been received so that people will know when to ask at the town hall. Mr. Hanson said that there is no reason we couldn't do that. At this time Mr. Hanson's computer froze. Mr. Ricciardi said that he thought that what Mr. Hanson was going to say is that there is no reason why we couldn't make an announcement on the town website.

Mr. Johnson said that when they have submitted the plan it is a matter of public record and he is able to send it to anybody. Mr. Johnson said that he didn't mind giving out his email address and if somebody wanted to send him an email, he will put them in

the chain of notification once it becomes a matter of public record. Mr. Hanson said that that would be great if Mr. Johnson would do that. Mr. Johnson's email address is: surveyor794@yahoo.com.

Kelli Kemery asked Mr. Johnson if he would be notifying the Board of the inquires or how the town will know who has received the plan; or does it matter. Mr. Hanson said that he didn't think that it matters.

Mr. Hanson asked if there were any other questions from the Board. Mr. Ballance said that Mr. Johnson had answered the question about the plan. Once it is delivered to the town it is public record and anybody can get it from Mr. Johnson if he was in the mood to do so. If not, we could post it on the website anyway. They could also go to through Code Enforcement or Planning and Zoning. Either one.

Mr. Hanson asked if the public had any comments or questions. Hearing none Mr. Hanson made a motion to continue this hearing to September 15, 2020. Mr. Ricciardi seconded the motion. Mr. Hanson asked if there were any questions. Hearing none he asked Mr. Ricciardi to do the Roll Call: Charles Hanson-Yes, Bill Ricciardi-Yes, Harry Viens-Yes, Kelli Kemery-Yes, Mark Hildebrand-Yes, Rachel Xavier-Yes. The vote was unanimously in favor.

III. OTHER BUSINESS:

Mr. Hanson asked if there was any other business to come before the Board. Mr. Ricciardi asked if there were any permits. Mr. Hanson said that there were no permits.

IV. ADJOURNMENT:

Mr. Hanson adjourned the meeting at 6:19 P.M.

Mr. Hanson thanked everyone for their participation and said he was looking forward to getting the plan. Mr. Hanson asked Mr. Johnson if there would be a report with the plan. Mr. Johnson said that there will be a response to the individual questions.

Respectfully submitted by, Sheila Mohan

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.