

TOWN OF CENTER HARBOR
PLANNING BOARD
Zoom Hearing
Tuesday, September 15, 2020

Mr. Hanson announced that this meeting is being held in accordance with the Governor's emergency order regarding public meetings. The Board will be using the Zoom format. If anyone has an issue during the course of the meeting with access to please contact him directly on his cell phone, or they could email him at hilltopfarmbg@gmail.com. All documents pertaining to this meeting were sent electronically to the Board members and the same files were posted on the Website under the meeting announcement on the PB Calendar for public access.

Mr. Hanson called the meeting to order at 6:00 P.M. Mr. Hanson announced that Bill Ricciardi was the host of the Zoom meeting this evening even though, "Host" is by his name. Mr. Ricciardi is also the Secretary of the Planning Board. Mr. Ricciardi announced that this meeting is being recorded. Mr. Hanson asked Mr. Ricciardi to do the Roll Call of the PB Members/Alternate Members.

Roll Call: Chairman, Charles Hanson, in attendance with Dave Driscoll the new Code Enforcement Officer also present 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
Vice Chair, Peter Loudon, 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: Member Kelli Kemery and David Reilly

Due to our Clerk having to recuse herself and Clerk Pro-Tem Kelli Kemery absent for this meeting, the Clerk Pro-Tem is Sheila Mohan.

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

I. MINUTES:

Peter Loudon motioned to approve the Minutes of August 18, 2020 as read. Seconded by Bill Ricciardi. Mr. Hanson asked if there was any discussion or edits on the Minutes. Hearing none Mr. Hanson asked Mr. Ricciardi to do the Roll Call: Charles Hanson-Yes, Bill Ricciardi-Yes, Harry Viens-Yes, Rachel Xavier-Yes, Peter Loudon-Yes, Mark Hildebrand-Yes.

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 18, 2020 meeting. Mr. Hanson updated those present. The Board just received the updated plan. Mr. Hanson has spoken with the Town Engineer and he won't be able to get to this for at least two weeks.

Mr. Hanson spoke to Carl Johnson and Mr. Johnson did go out, in spite of his broken leg, and marked the centerline. Mr. Hanson said that he stopped by and checked it out. He thanked Mr. Johnson for doing that. Mr. Hanson also spoke to Mr. Johnson about this and because of the fickle nature of the review and that sort of thing Mr. Hanson thinks that it would be prudent if the Board continued this hearing to October 20th, which is the second Planning Board meeting in October. At the first meeting in October, October 6th, Mr. Hanson thinks that the Board should do a site walk as the Board. Mr. Johnson would be there to answer questions, and the Board can actually visualize it. Mr. Hanson feels that more questions would come up if the Board is out there.

Mr. Hanson wanted to run this by the Board to see what they thought because it seems as if a lot of folks wanted to get out there and see it at the last meeting. Mr. Hanson asked if there were any thoughts about this approach. Mr. Louden said that he is good with that. He thinks that it is a good idea because it will help refresh, plus they can go over what they just received and have a good visual of it.

Mr. Hanson said that he is hoping by the time of the site walk, which is two and a half to three weeks out, that the Board actually gets the review back from our engineer so the Board has that as well. Mr. Hanson asked, if in the terms of the time, an earlier meeting time would work for folks to do a site walk. Mr. Hanson said that he knew that folks work but asked if folks could meet at five o'clock. Mr. Ricciardi said that would work for him. Mr. Louden said that he thought an earlier time would be wise because it is going to be getting darker earlier. Mr. Louden said that he could schedule his day so that he can get out. Mr. Hildebrand said he was fine with it. Rachel Xavier can also make it at that time. Harry Viens is also good with that time.

Mr. Hanson then moved that the Board continue this hearing to the 20th of October at 6:00 P.M. and that the Board on October 6th actually do a site walk at five o'clock. Mr. Hanson reminded everyone that there will be no discussion or deliberation while on the site walk. The sole purpose is to go and see the site, see what the proposal is going to look like and ask questions. This is to gather more information so that by the time of the October 20th meeting the Board will have done all of the information gathering and can deliberate and can hopefully take action on this matter. Bill Ricciardi seconded this motion. Mr. Hanson asked if there was any other discussion on this plan. Hearing none he asked Mr. Ricciardi to do the Roll Call. Bill Ricciardi-Yes, Charles Hanson-Yes, Rachel Xavier-Yes, Harry Viens-Yes, Peter Louden-Yes, Mark Hildebrand-Yes. The vote was unanimously in favor.

Mr. Hanson reminded the public that they are welcome to come. They will be practicing social distancing and the COVID precautions necessary to take. Mr. Hanson said that they will be wearing masks and asked the public to also wear masks. Mr. Hanson asked Mr. Kline if it was alright with him. Mr. Kline said that it was perfectly alright with him. Mr. Hanson thanked Mr. Kline and said that the notice will be on the Planning Board site probably by tomorrow (September 16, 2020).

III. PERMITS:

The Board reviewed the August Construction Permits. There were no questions or comments.

Aimee Manfredi-Sanschagrín was the clerk for the remainder of the meeting.

IV. OTHER BUSINESS:

Preliminary Discussion with David Harrington regarding 18 Main Street Coe House:

Chair announces David Harrington is in attendance to have a preliminary discussion with the Board. The Chair states this is a nonbinding discussion, anything said in this forum is total conjecture.

David Harrington introduces himself and thanks the Board for the opportunity. He states he is under contract to purchase the Coe House building along with David Krumsick and Kurt Klauson. We are here as part of our due diligence during the purchase and sale process. David continues, I own a couple pieces of property already. It's an old building about 200 years and it's basically been a restaurant that has turned over 3 times in the last 10 years. We think it's very hard to maintain that building as a restaurant. It's 5900 sf in a seasonal traffic area and I believe the town needs a restaurant use there. It's been part of the community ever since I can remember 50+ years. The question is how to make it work with the real estate tax, the association fees etc., it's very expensive. We have interest in maintaining the restaurant but think it's difficult to do that as only a single restaurant use.

I had some conversations with Ken Ballance looking at what options we had there. I went through the property file and know that it was approved as an Inn back in 1988 but the pursuit for that stopped somewhere in the early to mid-90's. Potential ideas during the discussion with Ken was basically how do we make it work by keeping a restaurant use and keep the building with the charm of Center Harbor. We are business men and want to make something work and so our idea was to perhaps rekindle the interest in the Inn or perhaps 2 family units. That is where we see some opportunity. David Krumsick and I came forward about a year ago with another property and our discussion with the Board was so valuable. We want to invest in Center Harbor but we want to do it in a way that's incongruent with what the town's vision is. We want to keep the charm of the building with the understanding it is a 200-year-old building with some limitations within the inside.

Chair asks if anyone has any questions or comments.

Ken Ballance, when it was approved as an Inn that was with a building attached to the Coe House not contained within. Between a restaurant and sleeping area there would have to be a 3-hour separation so it was never approved to have the interior of the Coe House to have an Inn, it was to have a building attached to it in the green area that you see when you come from Heaths.

Chair, thank you Ken. Chair asks if Mark Hildebrand had a question.

Mark Hildebrand, yes, I was just wondering, is this is same group that bought the place down by the traffic light? Chair, yes that is correct. Mark, ok that's what I thought. One thing I want to say and it's just because it's my background, I hope they know that Chestnut Tree that is out in-front of the building is one of the sole surviving Chestnut Trees in the State of NH. David Harrington, yes Kaylen has given me quite a history of the building which included the Chestnut Tree.

David Harrington continues, there are two different things. One is what Ken was talking about which is in regards to the Inn and building onto the existing building. Certainly, that is an option, it would

require its own ROI and analysis and then the compliance with the condo association. If we wanted to do something solely within the Coe House there is the residential component. With the discussion tonight I was hoping to go forward with the acquisition of the property. I do believe it will require an investment upfront and going forward we don't want to do this if we are in objection or if there is going to be an uphill battle with either the condo association or the town as far as making improvements. Obviously, there is nothing binding here and obviously if we do add onto the building or change the building or whatever, we are going to have to come back in with professional plans and go through the site plan or whatever it needed. Conceptually, we are under tight time frames for the purchase and sale agreement that we would like to go forward and just want to get a general feeling from the Board on whether the Town is open to changing to a mixed use with having a residential component within the building because that's really the only other use. I'm not looking for approvals I'm just looking for your thoughts or input if this is a waste of time or an uphill battle. We understand this is a pillar of Center Harbor and where it's a 200-year-old building it's going to go into disrepair.

Chair, it looks like we have some questions I noticed Harry Viens first then Bill Ricciardi.

Harry Viens, could you elaborate the residential component? That strikes me as being a vague term. David Harrington, the upstairs has a bar and bathroom so what I was thinking is to have two luxury condo units or you have some sort of apartment rentals where you can generate enough revenue to offset the real estate taxes and the other fees. We have a walk through on Thursday to take a look at the overall structure and where we would need reinforcement, plumbing etc. Conceptually, that is why this meeting dictates how we look at things on Thursday.

Bill Ricciardi, just a couple of quick things. Obviously, this is a preliminary discussion but without actually having the ability to look at plans or something a little more concrete, there is no way of knowing the answers to any of questions. I couldn't even tell you how many square feet are up there, how you could get one, two or three units up there if that's possible, how there would be separation between the upstairs and downstairs. There would probably need to be a pretty good fire separation between the residential and the restaurant. It's hard for us to get our heads around this without seeing a plan. The other question I had which might be a little more out there, the other property that you bought in Center Harbor two houses over from the hardware store, that is you yes? David Harrington, yes. Bill continues, that was also going to be a restaurant and that was probably what a year ago maybe is that correct? David Harrington, yes. Bill continues, the reason I'm asking this question is because if you do take this building over, I'm just trying to get a time frame of when you will actually get the train out of the station. David Harrington, regarding the other property, when we originally bought that we had the visions of the tavern and had conceptual discussions before the Board. When we received a positive vibe from the Board, we met with a couple prospective operators because I'm not going to operate the restaurant. I spoke to Steele Hill Group and I spoke to Scott Ouellette and both thought it was a homerun opportunity. It has beautiful views but our number one issue is we are in a labor crunch. A lot of issues with these restaurants here is the seasonality in the labor. The labor force is an obstacle especially this year. Kaylen stated last year they couldn't fill the space; they would be able to fill up on reservations but didn't have the staff to accommodate the patrons so even though the building has 5800 sf with around 160 seats he was never at capacity because of the labor issue. That's why for the property across the street we moved on to something else. We did invest a good amount of money into that property to rehab it.

David Harrington continues, if we bought the Coe House with Osteria, my belief is the town needs options for a restaurant and I think Kaylen, whether you like his food or not, does a good job at running the restaurant. Bill Ricciardi, one other question you mentioned the condo association, have you spoken to them? David Harrington, we were waiting for this meeting. We have two obstacles in this transaction, what will the condo association approve and what will the Town approve. Our thought is if the Town doesn't have a positive feel for this then why go to the condo association.

Chair, here is my two cents. Again, to Bill's point, this is very general and from a process standpoint, you would need to go to the ZBA to get a Special Exception. If approved, mostly likely it would come back to the Planning Board to work out the details of what you are proposing. In terms of your question on what the Town would support, I think you're right, the Coe House is an important structure to most citizens in Center Harbor. We've seen in our surveys to residents of the Town they like the look and feel of downtown area. My sense is, even if you propose an additional building so long as it is congruous with the look and feel of the Coe House itself, I think most folks would be very supportive of that. I think you're right; people do like having a restaurant down town. David Harrington asks if that is the general consensus of the Board. Harry agrees with the Chair that as long as it is congruous with the rest of the down town I see it as a home run. Chair, and by that I mean the New England small town look and feel, what the Coe House optimizes really. Chair, I think your bigger challenge may be the condo association with the certain requirements they have and then the life safety issues as discussed.

Dave Driscoll, the only thing I would throw in would be the challenges associated with the building code itself and the areas of separation assemblies required. A restaurant is an A2 use and residential if you are 2 or more dwellings is an R2 use. Those separation assemblies are fairly rigid so one of your consultations probably should be to an architect or to the Fire Chief or Fire Marshall. The building and life safety codes attached to the mixed occupancy could be a physical challenge and quite costly. Does the building have a sprinkler does it not have a sprinkler system, those are realistic issues associated with a design process so a little bit of preliminary discussions with some consultants probably would be prudent.

David Harrington, that is what our engineer will be looking at during our site walk on Thursday. The fire suppression is adequate for the current use. Dave Driscoll, right that is the kicker, when it's that mixed occupancy it changes the realm a little bit.

Chair, any other comments for David. This situation has it challenges good luck. David Harrington thanks the Board for their time.

Chair, asks if there is any other business to come before the Board? Hearing none Chair states he will be making an announcement possibly by the Boards next meeting regarding two new alternate members coming on board. They are currently pending Selectmen appointment so as soon as they have been appointed and sworn in, I will make the announcement to the Board. As soon as Rachel gets sworn in, she will become a new Full Member of the Board.

Chair continues for the record I would like to recognize we had a full-time member, David Reilly, resign last week due to some issues he is having. I would just like to acknowledge and thank David publicly for his service over the years. The environment was David's passion, whenever proposals

came forward, he was the guy that was concerned most about impacts to wetlands, surface waters, run off and that sort of thing. I think we all would like to wish David well and hope things turn out ok for him. The Board agreed with these statements and wishes David well.

Preliminary Discussion transcribed from recording. Respectfully submitted by Aimee Manfredi-Sanschagrin.

V. **ADJOURNMENT:**

Chair reminds the Board the next meeting is scheduled for October 6th at 5 p.m. site walk at Kline & Nason/Hayes property. Continued hearing scheduled for October 20th at 6 p.m. via Zoom.

Chair adjourns the meeting at 6:36 p.m.

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.