

TOWN OF CENTER HARBOR
PLANNING BOARD
Hearing
Tuesday, October 20, 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 recorder 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 Atty. Chris Boldt and Code Enforcement Officer David Driscoll
Vice Chair, Peter Loudon, 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 Veins, in attendance with no one else in the room
Member, Kelli Kemery, in attendance with no one else in the room
Member, Rachel Xavier, Mr. Hanson said that Rachel had texted that she is running a little late, she thought about she would be here in about fifteen minutes.
Alternate Member, David Nelson, in attendance with no one else in the room
Alternate member, Ken Ballance, present with no one else in the room**

Not in attendance: Member Mark Hildebrand

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, Peter Loudon, Bill Ricciardi, Harry Veins, Kelli Kemery, and Rachel Xavier when she gets here.

I. MINUTES:

Peter Loudon motioned to approve the Minutes of October 15, 2020 as read. Seconded by Bill Ricciardi. Mr. Hanson called on Bill Ricciardi to do the Roll Call: Charles Hanson-Yes, Bill Ricciardi-Yes, Harry Veins-Yes, Peter Loudon-Aye, Ken Balance-Yes, Kelli Kemery-Yes, David Nelson-Yes. The vote was unanimously in order.

II. HEARING – AMENDMENT TO SUBDIVISION AND BOUNDARY LINE ADJUSTMENT BETWEEN EDWIN KLINE JR. TAX MAP 212 LOT 32 AND J. CONOR AND AMANDA HAYES TAX MAP 212 LOT 30 CASE 2020-05-05 CONTINUED.

Mr. Hanson announced that there has been a fair amount of activity since the last time that we met via Zoom on this matter. Most notably we had a very productive site walk back two weeks ago. And that raised questions from some of the folks. Since that time, we have gotten back responses to the report that the town engineer did as well as our engineer's responses to those responses. Just today the Board received additional information and so with the existing condition as well as the plan for the whole section of road from the existing cul-de-sac back towards the property. Mr. Hanson said that he personally has not had a chance to look at them himself because they came in mid-morning.

Mr. Hanson addressed Mr. Rokeh and said now that we have gotten this, and I know that you work with Carl Johnson. Mr. Hanson said that Mr. Johnson called today to let him know about sending that information in but, he said he had a family issue and asked if he could not attend. Mr. Hanson said certainly because Mr. Rokeh is going to be available and during the site walk many of the questions the Board had had to do with engineering features. With that Mr. Hanson asked Mr. Rokeh to explain what he has been doing over the last few weeks.

Mr. Rokeh said that he did get the revised comments from the third-party engineer and the vast majority of the them was saying that their previous comments were addressed. Mr. Rokeh said that the majority of what he did late last week and the beginning of this week, and got to Mr. Johnson, was to go through the plans and he added the additional sheet that shows the roadway alignment, like the geometry of the entire road from the cul-de-sac all the way to the end. There are metes and bounds and curb data and everything for the whole road. Mr. Rokeh said that he updated the plan to add another sheet to do the widening of the road to twenty feet all the way from the cul-de-sac and then out through to the end where they were showing before. Mr. Rokeh said he went through several of the details according to the engineering comments and straightened away some of those. Mr. Rokeh said that the masonry rubble wall was updated, and some of the rip rap outlet details were updated. Things like that were all corrected and updated on the plans that the Board has in its possession now. Mr. Rokeh said that he thought that Mr. Johnson had sent them this morning. Mr. Rokeh said that basically that is what he saw as being the major items on the list. Mr. Rokeh said that Mr. Johnson had portrayed to him the whole road and everything fit together with what we had shown before was one of the big things that came from the site walk. Mr. Rokeh said that by updating the plans, adding the additional sheets and showing the whole roadway alignment and geometry he thinks that the Board has a good sense of that now. There are profiles for everything showing that it matches the existing road pretty well. Mr. Rokeh said that he tried to avoid power poles and stay off of property lines in all

the things they were doing with the original segment of road, he tried to apply to the initial segment of the road.

Mr. Hanson thanked Mr. Rokeh and asked if individual Board members had any questions for Mr. Rokeh from the site visit or from what he just laid out. Peter Loudon said unfortunately like everyone else he just got the updated stuff so he hasn't had time to see that and some of his questions may have been answered. Mr. Loudon said that he is confused with the water runoff and how that is being taken care of. He said that when they were at the site walk and such it was unclear to him whether we were losing a culvert or creating more culverts and how the water was being directed. Mr. Loudon said that if we are losing a culvert, we are adding more water to existing culverts, how is this going to handle this? Mr. Rokeh said that he is trying to work with existing conditions that Mr. Johnson had sent to him. Mr. Rokeh said he is trying not to get rid of any culverts and definitely in the new section of road where it basically doesn't exist right now, he has three new ones added. Mr. Rokeh said that along the existing stretch of road from the cul-de-sac out to the existing section he did not see anything on what Mr. Johnson had given him for existing conditions of existing culverts. Mr. Rokeh said that there is one that is close to the end as it exists right now that he has been added in to the plan there. Mr. Rokeh said that he can add in anything that needs to go in along as it gets down closer to the cul-de-sac. Mr. Rokeh said that he didn't see anything in what Mr. Johnson had given him that exists right now; if during construction or even during this process you feel like you would like to see one down closer to the existing cul-de-sac, he can certainly add one more in. Mr. Rokeh said that by he had done is by widening the road and fixing the ups and downs of it like on the profile. He said that he has created a ditch all the way along the upper side of the road, similar to what he was doing with the outer stretch of road. There is a good ditch on the upper end of the road to run water in both directions, both down toward the existing cul-de-sac and out to the end. Mr. Rokeh said that culverts can be added in basically anywhere that they seem to be needed. Mr. Hanson asked Mr. Loudon if he was good. Mr. Loudon said he was good for the moment.

Bill Ricciardi asked Mr. Rokeh if when you say cul-de-sac you mean the proposed cul-de-sac, because there is not one there now. Mr. Rokeh said he was talking about what Mr. Johnson was telling him was the existing cul-de-sac; Mr. Rokeh said that there is kind of a bubble early on in the project. He extended it back quite a way compared to what he was doing before. Mr. Rokeh said he was starting at the house at the end of with the original plan, now he is going all the way back toward Route 25B where there is like a bulb or a cul-de-sac that was extended from at one point. Mr. Rokeh asked Mr. Hanson if he could put up the plan. Mr. Hanson said that he couldn't but Mr. Rokeh could put it up.

Mr. Rokeh pointed to the area he was calling the existing cul-de-sac. He then pointed out where the plan had started before, from the existing driveway out to the new

hammerhead/cul-de-sac that they are creating. Mr. Rokeh pointed to a “bulb” that he said looked like an older cul-de-sac, the stretch of road was created from. Mr. Ricciardi said that his question is where we are talking about at the beginning that is going to be an actual cul-de-sac now according to the plan. Mr. Rokeh pointed to the plan and said that this just extends, this is already a road right now that extends out from this old “bulb”. Mr. Ricciardi said that he wouldn’t actually call that a cul-de-sac. Mr. Rokeh said he was not creating anything out of that. He is basically widening the road as it exists right now coming from that spot. Mr. Rokeh said that he didn’t do any grading in the “bulb” as it exists right now. He said that the only thing that he did, the road was kind of variable width leading from (he pointed to the “bulb” that appears on the plan) out to the existing house. He said that all he did was, starting where the road starts, he fixed the width of the road, he didn’t do anything back within what is the “bulb” that exists right now.

Mr. Hanson said that as a follow up to Mr. Louden’s line of questioning regarding the water, hydraulic loading, an initial concern to him during the site walk because it sounded like additional drainage was going to be added. After going out with the town engineer it actually looked like there may be less drainage. Something that is unclear to Mr. Hanson, but he thinks that Mr. Rokeh answered it is all the existing culverts in the section of the road from what we are calling the cul-de-sac back to the edge of Station 0.0 where this other section, we started talking about this section begins, does that essentially not change? Mr. Rokeh said that from the existing conditions he has it is unchanged. If you see (he pointed to the area right next to the existing house) this is where there is a pipe already and he is continuing to have the pipe go across. Then is running basically the high side coming down to a stone lined ditch and coming all the way down. Mr. Rokeh said that that was basically the way it exists now. Mr. Rokeh said that if during construction there seems as if there is a spot where an extra culvert is needed right before it gets to that “bulb” they can certainly add one in. If there is one that exists right now that Mr. Johnson has not picked, if he picks it up and gives Mr. Rokeh the information, he can add it to the plan too.

Mr. Hanson asked if it was true, again this is working with our town engineering representative, who Mr. Hanson was at the site with a week ago, it appeared based on the plan that they had at the time that there was a break point where some drainage that actually come back this way, Mr. Hanson said that he believed it was at 0+68 give or take, that drainage would then flow back toward the back of the lots. Mr. Hanson asked Mr. Rokeh if that was correct. Mr. Rokeh said that the way he has it the main break point of this is kind of at the top of the hill by the existing house. He said that basically everything from that point drains out to the new end of the road and everything from the other way, from the house to the “bulb” drains to that point. Mr. Rokeh said that it is like a break in the middle of the road.

Mr. Ricciardi said at that high point, where there is an existing culvert, you are going to extend it, correct? Mr. Rokeh said yes, he is extending that culvert a little because he is widening the road and fixing things. Mr. Ricciardi said that originally, he thought that was going to be filled in. Mr. Rokeh said that was on the existing conditions that Mr. Johnson had originally given Mr. Rokeh. It didn't actually show up so Mr. Rokeh added it in to this plan set.

Mr. Hanson asked if there were any members who had questions for Mr. Rokeh. Hearing none, Mr. Hanson said that he had a question regarding the wall. Mr. Hanson said that there is an existing woods road out there. He asked Mr. Rokeh if he was familiar with that. Mr. Rokeh asked where it was. Mr. Hanson directed him to approximately where it would be on the plan. Mr. Hanson asked if the dark line on the plan was the proposed wall. Mr. Rokeh said, "Yes." Mr. Hanson said that wall is going to be three feet high in front of the existing access road. Mr. Rokeh said, "Yes." Mr. Rokeh said that he didn't have it that way originally, he had it just graded as a slope going up onto that lot but that Mr. Johnson told him that he could not do that. Mr. Johnson had said that there was something with that abutting property owner that they could not touch that lot, we could not grade on that lot, we couldn't do anything. Mr. Rokeh said it certainly would be a simple thing if they were allowed to grade on that lot to keep the access, just do a small slope easement and everything would work well. But because of a constraint of not being able to touch that lot he had to put that wall.

Mr. Hanson asked if there were any other questions for Mr. Rokeh. Hearing none Mr. Hanson said that he was going to take this opportunity since the Board needs to digest this a little bit, we need to get some feedback from our engineer who joined us this evening and is taking this in, but needs to review the packet as most of us do.

Mr. Hanson asked if any members of the public would like to provide input as the Board is in information gathering mode. At this time Mr. Rokeh took the plans off the screen.

Helen Heiner had two questions. She asked if the culvert that is down right between the Hayes property and hers would stay in place. Mr. Rokeh said that if there was a culvert in place it would stay in place. He said he might have to extend the end of it just to match in with what they are doing to shim the road to the correct width but that would be it. Ms. Heiner asked if it was legal to pour water on other people's property at this point. Mr. Rokeh said it wouldn't change the flow, however it exists and where the water goes it would stay the same. It would just be adjusted to fit the width of the road. Ms. Heiner asked again if it was legal. Mr. Hanson said that that was not really a question for Mr. Rokeh. So much as it is for an attorney. Ms. Heiner said, "OK, but I need that answered." Ms. Heiner said that her other question is access to the woods road. She said that access has been in use for the past thirty years, since she has been there and since she bought Lot 6. She asked if it was going to be closed off. Mr. Rokeh

said that if she would allow for them to grade on the property, he could absolutely ... Ms. Heiner said that she doesn't own that property, she has no say. Ms. Heiner said that he could certainly grade in front of the road rather than a wall that is going to stop her from using that road. Ms. Heiner said that that road even by Mr. Kline for logging some years ago. Mr. Rokeh said that he doesn't want to close that off. He does not want to have the wall there but he would need permission from the lot owner to be able to grade it, to work without putting the wall in. Ms. Heiner asked if he could block her access. Mr. Rokeh said he was not blocking the access. Ms. Heiner said that the plan is. Mr. Hanson said that this actually isn't so much of a question for Mr. Rokeh. Mr. Rokeh was given a set of conditions and told what to build structures to and that is what he has done. He has no say. Ms. Heiner asked who she could speak to about this? Who can my attorney speak to that has some ability to answer my questions? Mr. Hanson said that the Board will have some say in what is or is not allowed and that is something that potentially something the Board will need to consider in any sort of approval or moving forward. Ms. Heiner said that her third question is the proposed cul-de-sac. She said that people keep talking about the cul-de-sac like it is there. It is not there; it has never been there. Ms. Heiner said that she has had to build two bridges to at least access Lot 6. She said that finally after her husband died, she put in a culvert because she was tired of building bridges that would eventually rot, just to access the lot. Ms. Heiner said that her questions is why are we calling something cul-de-sac that is not a cul-de-sac. It is not made according to the plans that were originally approved by the Planning Board years ago. Mr. Hanson said that that was a very good point and something that he thinks the Board is keenly aware of and something that is on the table. Certainly, it might be that the cul-de-sac gets completed as was originally proposed because it was supposed to be done that way. Ms. Heiner said that it was supposed to be done no later than the sale of the house which was not Lot 6, it was changed to Lot 7. Lot 7 has been sold now for a few years and we still have no action on it. Mr. Hanson said that the Board is aware of that but we are trying to stick to what we can do in the matter at hand, and certainly something that is within our purview as a condition of any approval might be. That will be at the next meeting when we deliberate as a Board, after we have a chance to review everything, might be a condition that the cul-de-sac needs to be constructed as originally purposed. Ms. Heiner said that if she looks at the amount of water that flows through the culvert, which has destroyed some of my trees, at the end near the Hayes' house it sounds like it is all going to run through a culvert that she put in , which at one point the Klines told her it was illegal and too small. Now that's going to dump down on my neighbor, so now she is going to have the same problem I have at the other end. Ms. Heiner has concerns about the amount of water running through that culvert. Ms. Heiner said those are her concerns. Mr. Hanson thanked Ms. Heiner for getting that down so that they have that recorded. Mr. Hanson said that is another item in terms of access to Lot 6 that is potentially within the Board's purview. It is certainly something they may discuss and with the input that Ms. Heiner has provided Mr. Hanson is sure they will. Ms. Heiner thanked Mr. Hanson.

Derek Kline asked Mr. Hanson if he could say something in regard to the access issue. Mr. Kline said that based on his research regarding this issue his parents had the subdivision plan amended in 1994 and based on the triggering event, of the sale of Lots 6, 7, or 8 would have required the construction to the hammerhead. Mr. Kline said that Lot 6 was taken out. He said that based on his review of the meeting minutes both the Planning Board and the Select board found that Lot 6 was readily accessed right at the so-called cul-de-sac that has the little bubble. Mr. Kline said so based on his review of the minutes that is what occurred and that is why Lot 6 was taken out of the triggering event. Mr. Kline said to the extent that culvert is too small, based on his review of the plans that culvert is going to be increased so that water can flow. Mr. Hanson thanked Mr. Kline and said that that is something within the Board's purview they will be reviewing that and it will be part of our decision as we move forward on this.

Mr. Hanson asked if there were any other questions or comments.

Eric Taussig saith that he represents Mr. Kline in two matters in this particular litigation. He said that an email was sent to Mr. Fitzgerald, who represents Ms. Heiner, today on the issue relating to the access. Mr. Taussig said that apparently does not appear at any of the Planning Board meetings. Mr. Taussig said that the Board should be aware that Mr. Fitzgerald is the attorney who represents Ms. Heiner and they have been in touch with him over perhaps a year now regarding this matter and Mr. Fitzgerald is aware of the comments that were made by Derek Kline just a few minutes ago.

Susan Patz of 43 Kline Road said that they did get the letter from Atty. Taussig today at 1:30 and it does state about the 1994 conditions of Lot 6 being taken off as a triggering event but, it was moved to Lots 7, 8, or 9 as Derek said. Lot 7 was sold to the Hayes. That triggered the subdivision plan to move to the hammerhead but, that did not happen. Ms. Patz said that they were in a lawsuit and the cul-de-sac has not occurred either. It is a non-existing thing. So, there is no cul-de-sac on this road. The road from 25B to the front of Aimee and Eric Sanschagrins house is shifted way over from where it is supposed to be. The road we drive on everyday is the original farmhouse road. The Jackson farmhouse road that Ms. Heiner and I live on now. So, the whole road is not in the right place. The cul-de-sac is not built, the access to Lot 6 has never been address by the Klines, the run-off which runs to the back and runs to the Sanschagrins house is destroying property. The back field was not supposed to be cleared but it was cleared by Derek Kline to the supposed hammerhead in spite of a court injunction. Ms. Patz said that she is a little concerned and asked how were they to address this. She said that this has so many moving parts that have not been addressed since before 1994 when this plan was revised to not have Lot 6 trigger the hammerhead. Ms. Patz said that she is really frustrated with this process and she is concerned that their time and emotional energy is being drained without care. Ms. Patz

said please look at the subdivision plan and let's begin where it should have happened years ago when Duke was running the show. Ms. Patz said that they also received another email from Mr. Kline about road clearing. Removing shrubs, removing trees and branches so it will be preventive maintenance. That is not so. Maintenance would be fixing our potholes and the apron of 25B and Kline Road that continually messes up my alignment. That is clearing the road at our expense because we will be billed for that by Derek Kline. Ms. Patz said that she was done but she needs these things addressed; we are spinning here and going nowhere. Ms. Patz thanked Mr. Hanson and he thanked her.

Mr. Hanson said that Mr. Rokeh has to leave and go to Milford for a Zoom meeting.

Mr. Taussig said that he wanted to make some comments regarding the timeliness of construction. He said as Ms. Patz has been aware, we have been under a temporary restraining order and a preliminary injunction for almost three years. There has been no ability to do anything as a result of that. That is related to the Nason/Hayes lawsuit which was the first lawsuit. Mr. Taussig wants the Planning Board to understand that nothing could be done because they were precluded from getting a building permit to pursue the construction of the road. Ms. Heiner said that that was not true. Ms. Patz said that the back field was cleared and barb wire was put up. That was not supposed to happen. Mr. Hanson said that we are kind of getting off topic here a bit. We would like to keep focused on comments specially about the proposal and the comments made prior to this were right in line.

Mr. Hanson asked if there was anybody else who would like to comment on the information that this Board is going to be considering when it makes a decision, hopefully, at the next meeting. Ms. Patz asked a decision on what? Mr. Hanson answered, on what we are going to decide with this proposal that we have in front of us currently.

Mr. Hanson said that he saw no indication that anyone wants to speak.

Mr. Ricciardi said that just very quickly to go back to Ms. Patz or Ms. Heiner's question where the wall comes over the woods road, and, when Mr. Rokeh who has left the meeting to go to another meeting, had said he that could easily fix that with permission from the person who owns it, who owns that property that Mr. Rokeh was talking about. Mr. Ricciardi said that he was sorry that he didn't know this. Mr. Hanson asked Ms. Heiner or Ms. Patz if they wanted to answer that. Ms. Heiner said that she believed it was the Nason/Hayes. They are trying to keep twenty feet of property to their front door available to them and in order to grade it in it would take some of that twenty feet. Ms. Heiner said that she was not sure about that but she thinks that is it. Mr. Hanson asked Ms. Heiner if she still owned Lot 6. She answered, "Correct". Mr. Hanson said that he thinks it is across from Nason/Hayes so it is Ms. Heiner's property actually.

Ms. Heiner answered, where the wall is going, yes. Mr. Hanson said that's the woods road. That's where the woods road crosses on Ms. Heiner's property. Mr. Hanson told Ms. Heiner that that was her property. Mr. Hanson said that he thinks that was what Mr. Ricciardi was asking. Ms. Heiner said that she owns that road and it is in her deed that the Klines gave up all rights to it. Mr. Ricciardi said that he upstands that and he doesn't want to get too far out into the weed but, when John Rokeh said that he could eliminate that portion of the wall easily by just doing a slope grading he got the impression that that was not Ms. Heiner's property there. Ms. Heiner said that that was probably the right-of-way but she wasn't sure. Ms. Heiner said that she has looked at these plans over and over again and they are confusing and hard to read. Mr. Ricciardi said that he thinks his question is who would we get permission from to do the slope grading so that the wall doesn't have to go across the wood's road. Ms. Heiner said that she didn't know. Mr. Ricciardi said to Ms. Heiner that she said that was not her property and it was not up to her to give permission. Ms. Heiner said that she believes that the wall is going up right at the edge of her property as it comes around from the field coming up Kline Road and it cuts across. Ms. Heiner said that she believes that they are putting the wall right at the very edge of her property. Mr. Hanson said that that was correct. Mr. Hanson told Ms. Heiner that he thinks that what they are talking about is where that wall is right on that edge of her property which includes the woods road if she would grant a slope easement, they would cut a slope back into her property as one way to not be able to put a wall up. Ms. Heiner said that nobody has talked to her about it but, that is certainly an option that she would look at. Ms. Heiner said that she would like access to the road. That they have had access to the road for years and it is used. Mr. Hanson said that he would make Mr. Johnson aware. Mr. Hanson said to Mr. Kline that maybe he would like to make Mr. Johnson aware that maybe he wants to approach Ms. Heiner about what could be done there. Mr. Hanson said he guessed that it would be Mr. Rokeh and Mr. Johnson being as it is an engineering thing. Derek Kline said that he would inform Mr. Johnson. He went on to say that their understanding is that the road is not used. There are trees down there. Ms. Heiner said that there is one tree down. Mr. Hanson said that regardless he thinks there is an issue where folks would love to maintain access and not have a three-foot wall across it. Here is an opportunity to reach some consensus on what everyone can agree on. Derek Kline said that would be great.

Mr. Ricciardi said that again he would like to clearly state that at least he is trying to find a way through a path to get through this issue so that everybody can be mostly happy and that seems like that would solve a couple of issues if they could just get that slope easement. That would eliminate the wall going across the woods road which would leave access as it has been. Mr. Ricciardi said that it is a little frustrating to try and find a good way to get through this. But we are trying.

Harry Veins said that he had a quick comment. He said that he thinks we are all feeling like he is that they are on the five-yard line and they would like to get this ball across

the goal line if we can do it. Mr. Veins said that the issue that came up from Ms. Patz and Ms. Heiner is what was supposed to happen with the original road, original road approval. Mr. Veins said that he just wants to make sure that somehow, we address that. Maybe in the conditions or somehow in the approval for this project, so that we get all the things that everyone is worried about solved or at least addressed before we put a final approval on this. It is not something that we can resolve this minute but we need to be thinking about what those conditions need to be to address this. The existing road needs to be brought up to whatever the specifications or agreement was at the beginning. Mr. Hanson said that that was a very good point and he agreed with Mr. Veins. It appears that this is within their purview and this is a way to perhaps clean up some of the past.

Derek Kline asked with regards to the existing road what is the problem from 25B to the cul-de-sac. Someone said it was never put in. Mr. Hanson said that at this point we are going to stay focused from the cul-de-sac in. Derek Kline replied, "OK, good." Mr. Hanson said this is the main focus as a Board for this matter and there is probably a bit of a limit to how far we can go to get some things done that were supposed to have been done, that haven't been done, but maybe will need to be done before you will be able to do what you want to do going forward.

Mr. Hanson said that again this is something after reviewing the most updated information that the Board has; we will be deliberating at the next meeting that we have. At which time all the members will have had a chance to review, including our town engineer's representative who has been in this meeting as well to hear some of the comments and concerns and will have been able to do a little bit of homework so we can talk intelligently about what shape those conditions will be.

Ms. Patz asked so what you are saying is this is from the cul-de-sac back. The cul-de-sac will get put in as it was supposed to be in the original subdivision plan that Derek Kline created with the Town of Center Harbor and that will give us a proper access to our Lot 6. Mr. Hanson said that certainly that is something that is fair game for our discussion for potential conditions. One might be to require that the cul-de-sac to be constructed as originally proposed with the seventy-five-foot radius. The other thing might be access onto Lot 6, again we need to look at some of these other things and get our backgrounds in check. We will be discussing that at our next meeting. Ms. Patz thank Mr. Hanson.

Mr. Hanson asked if anyone else had any questions or comments. Mr. Hanson said that he wanted to especially reach out to Kelli Kemery to make sure that she is all set. Ms. Kemery said she is all set. She is on Zoom but she doesn't have a video card on her lap top. Mr. Hanson asked Ms. Xavier if she was good. She said yes. Mr. Hanson then asked if any of the other board members had any final questions.

Mr. Hanson said that hearing none he was going to continue this hearing. He wanted to discuss this with the Board. Mr. Hanson said that the next Tuesday is November 3rd and that is the General Election so they won't be having a meeting that night. He said that the options are the 10th or the November 17th because the following Tuesday is Thanksgiving week. Mr. Hanson said that he would like to get after this as soon as possible even though he is supposed to be at a School Board meeting. Mr. Hanson said that he is willing to forego the School Board meeting to chair the meeting on the 10th if that is agreeable to folks. Peter Loudon said he would go with the 10th. Mr. Ricciardi said that the 10th is good for him. Ms. Kemery said the same with her. She will accommodate. Rachel Xavier said she is good with the 10th. Harry Veins is good with the 10th. David Nelson said that works for him. Mr. Hanson said the meeting will be at 6:00 P.M. on November 10th. Mr. Hanson said that he will ask our acting clerk helper to send out notice tomorrow. Bill Ricciardi did a Roll Call vote to continue the meeting to November 10th at 6:00 P.M. Charles Hanson-Yes, Bill Ricciardi-Yes, Harry Veins-Yes, Peter Loudon-Aye, Rachel Xavier-Yes, Kelli Kemery-Aye. The vote was unanimously in favor.

Mr. Hanson thanked everyone and said that they will be taking this up on the 10th, and if anyone needs a paper copy of the information that was dropped off for the Board today to feel free to contact Robin Woodman at the Town Office and it can be provided to anyone who requests it. Mr. Hanson thanked everyone.

III. CONSTRUCTION PERMITS:

Mr. Hanson asked the Board if there were any question about the September Permits. There were not questions.

IV. OTHER BUSINESS:

Mr. Hanson asked if anyone had any other business to come before the Board. There was no other business.

V. ADJOURNMENT:

The Chairman adjourned the meeting at 6:54 P.M.

****Minutes transcribed from zoom recording by Clerk Pro-Tem 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.