

**TOWN OF CENTER HARBOR
PLANNING BOARD**

**Tuesday, October 17, 2023
Meeting @ 6 p.m.**

Chair Charley Hanson called the meeting to order at 6:00 p.m. Present: Chair Charley Hanson Selectmen's Rep Bill Ricciardi, Vice Chair Pete Loudon, Members Mark Hildebrand, Alternate Member Alan Rilla and Clerk Helen Altavesta. Absent with notice: David Nelson, Steven Brown, and Rachel Xavier. Absent without notice Kelli Kemery

Public Attendance: Scott Burns, Sandy Burns, Cody Burns, Brett Burns, Carl Johnson Licensed Land Surveyor, Cecilia Disney and Jason Epstein

Voting Members: Charley Hanson, Pete Loudon, Bill Ricciardi, Mark Hildebrand and Alan Rilla.

I. MINUTES:

Chair asks for a motion on the minutes for October 3, 2023. Pete Loudon motions to approve the minutes as read. Seconded by Bill Ricciardi. All were in favor of approving the minutes as read.

II. PUBLIC HEARING: Subdivision of Map 226 Lot 010 Scott and Sandra Burns located at 137 Waukegan Road Case 2023.0921

The Chair announces Carl Johnson Licensed Land Surveyor who is representing the Burns Subdivision.

Carl Johnson displays the Subdivision plan; he mentions that this plan was seen prior in the conceptual form at a Planning Board hearing. Scott Burns came in front of the board and explained what he planned to do. There has been a lot of planning, revisions to the roadway, lots, and turnaround so we could come in front of the Board with this subdivision. Carl shows the roadway coming down from Waukegan Road into Scott Burns landscaping business and the line for the two zoning districts, commercial light industry and agricultural rural. The concept is to divide the property and essentially keep Scott Burns Landscaping on two parcels (Lot.1). Then create a new lot (Lot 2) in the commercial and industrial zone which at this time is vacant but will most likely see a site plan down the road for the development of this property. Then two residential lots for the kids, Lot 3 roughly 7.75 acres and Lot 4 roughly 5.67 acres. The roadway as it is now, enters into the Burns Landscaping area and the intent is to improve the roadway to a turnaround with a cul-de-sac shape.

The chair asked with town specifications.

Carl Johnson answered with town specifications. Mr. Burns has already forwarded a copy to the road agent, he has taken a look at it and had no problems. We will probably work with the road agent to

see what type of cul-de-sac he would like to see. It's a private road and it will remain private. The town has a little different control, they primarily look at snow storage and emergency services as part of the planning process. Does not necessarily have to be made to town road standards, it has to be to road agent standards. The road coming in now is a well-established road, it handles heavy commercial vehicles and the short part of the extended road will be at the same standard as the road is now. Carl Johnson discussed lot 3 and 4 regarding either they will have a common driveway or another option is one of the lots would come in from the southerly portion.

The chair asked if it would only be the two lots that would have the above access.

Carl Johnson said it would only be the two residential lots making that area a common driveway. The access to the commercial lot basically comes into Burns landscaping. But the lot could also access from above.

Chair asked if that could be developed as an individual lot.

Carl Johnson said that it is a little over 3 acres and the intent right now is to develop the lot commercially in the commercial zone. All of the Lots are greater than 5 acres except for this lot, so if the board was to approve the subdivision tonight it would be subject to New Hampshire subdivision regulations for this lot.

Chair mentioned you wouldn't expect any issues with that.

Carl Johnson said no, we did a test pit and had a good test pit.

Chair asks if the cul-de-sac has not already been built.

Carl Johnson- Correct. Normally for this amount of lots it doesn't make sense to have a helicopter landing area. Just enough of a turnaround for emergency vehicles. The common driveway will also be wide enough for emergency vehicles. Carl asked if the Fire Chief had any input.

Chair- Yes, he does. I'm glad you mentioned that because he did come by and look at the plans and wanted to go by the site to see the area. Because the turnaround has not yet been built, we should be able to vote on this tonight. I was thinking we needed to wait until he reviewed the road.

Carl Johnson- This is the way most towns do it. They have the Fire chief approve the proposal and put in their recommendations.

Chair-Who is going to own the road? What parcel is it tied to?

Carl Johnson-. It might be a homeowners association type situation with shared maintenance. That way it doesn't need to be tied to any lot. It's dedicated as a private way. That way the ownership and the maintenance are the responsibility of all parties.

Allan Rilla asked if the road runs through lot 1 and wouldn't the other three lots need a right of way.

Carl-That's what will be in the determination of the verbiage of the road documents. All of the lots will need to have a right to pass on the portion that goes to Waukegan Rd. At this time the intent is for the family but the planning board can know that but doesn't act upon it any differently than if the property was for sale.

Bill Riccardi-Asked about a Homeowners Association without any homes yet.

Carl Johnson-Basically it will be a landownership until the houses are built. In this situation it's a little different as its family and they own plows.

Bill Riccardi- The only other question I have is that the cul-de-sac looks like it lands in the middle of the wetlands.

Carl Johnson- We had Randal Shuey from Northpoint engineering delineate this portion of the wetland to make sure that we were far enough away for the test pits. There is a break where the road is going to go through. The cul-de-sac has a very small portion of that wetlands but significant enough to accommodate a turnaround.

Chair- Does that include any setback from the wetlands?

Carl Johnson- It does not. But the road that is there, will be the common driveway and it already exists.

Alan Rilla- It is more of an access not a road. It's not approved.

Carl Johnson- It is an unapproved driveway, drivable by a land rover but not a Bugatti.

Chair-Are there any other questions from the board? If not, I am going to open it up to the public. Is there any public input?

Celicia Disney abutter, I own the land located near lot 3. I'm a little confused about the commercial lot #2. Is the intent to extend the commercial business or a separate entity.

Carl Johnson said as of now this is a subdivision of land. Two lots are now commercial and two residential. They would have to come before the board with a site plan when they decide to build.

Celicia Disney asked about preserving the rock walls during construction. Just love the woods and my husband and I and the children like snowshoeing in that area.

Scott Burns-If they are boundary walls they will not be touched.

Carl Johnson- Let me just make myself clear even though they are planning on just building residential homes at this point it doesn't mean that they might come in front of the board to do

something different, it goes by the zone that the land is in. This application is just for the subdivision of the land. When they go to build, the applicant at that time would need to come in front of the board with their site plan.

Chair-Any other questions?

Jason Epstein abutter on 45 Ridge Berry Lane asked if they had picked the location of the home yet.

Scott Burns said nothing is etched in stone yet, but you know the slope of the land it obviously only allows for certain places on the lot. He mentioned where the test pits are is where the general location of the houses will be.

Chair- Any questions from the Burns

Sandra Burns-No

The Chair closes the questions from the public and asked if there was any question from the planning board.

Bill Riccardi-I'm just concerned about the setback from the designated wetlands for the cul-de-sac.

Chair can you move the cul-de-sac back so that the its out of the setback. If not, you would have to go to the ZBA for a variance. Is there any way you can move to make it work?

Carl Johnson- Said he could move the turnaround to make it outside of the designated wetlands.

Alan Rilla- Had concerns about the road and the driveway and if the emergency vehicles could get down the road.

Helen Altavesta-Couldn't we add conditions on the Mylar that the Fire Chief needs to approve the driveway and the road.

Carl Johnson said it's very rare for the board not to put conditions on the approval of the application.

Charley Hanson and Helen Altavesta already went over the application to make sure it was complete.

Peter Loudon motions to accept the application as complete.

Bill Riccardi seconded the motion.

All were in favor.

Chair- Does anyone want to make a motion to approve the subdivision as proposed with conditions?

Pete Louden Motions to approve the subdivision as proposed with conditions.

1. Final approval from the Fire Chief for the road and the driveways.
2. Conform to our Section 10 of the Zoning Ordinance regarding the setback of the designated wetlands or they would have to go to the ZBA for a special exception.
3. The road way property will be either owned by the existing owner of Burns Landscaping Lot 1 or a homeowners' association or the equivalent.

Bill Riccardi seconds.

All were in favor.

Chair-Just a reminder this is subject to a 30-day appeal period. We will sign the Mylar after the 30-day period. Carl Johnson you can bring the Mylar any time with the conditions added to the Mylar.

Carl Johnson-I will set the pins first then the Mylar will reflect this.

Chair When we get the final Mylar, we will look it over and then have one final vote.

No permits or other business.

ADJOURNMENT:

Chair adjourns the meeting at 6:42 p.m. Next meeting is scheduled for November 7, 2023 at 6 p.m.

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