

TOWN OF CENTER HARBOR  
PLANNING BOARD  
Meeting  
Tuesday, June 7, 2016

Chairman Charles Hanson called the meeting to order at 7:00 p.m. Present were Peter Loudon, David Reilly, Bill Ricciardi, Jackie Baker, Bob Coppo, Selectmen's Rep Harry Viens, and Clerk Aimee Manfredi-Sanschagrin. Kelli Kemery absent with notice. In the audience, Surveyor David Dolan, applicant Ken Yorston, abutters Brian Bushman, Douglas and Amanda Grier and Jay and Karen Guarino.

**VOTING MEMBERS: Charles Hanson, Peter Loudon, David Reilly, Jackie Baker, Bill Ricciardi, Harry Viens and Bob Coppo.**

**I. MINUTES:** Peter Loudon motioned to accept the minutes of May 3, 2016. Seconded by Bill Ricciardi. All were in favor.

**II. HEARING: SITE PLAN REVIEW BARTLETT HILL ROAD VACANT LOT 226-014.2 KNOWN AS LOT 3 ON SUBDIVISION PLAN OF ADSC REALESTATE, LLC**

Chairman calls the hearing to order announces David Dolan and applicant Ken Yorston. Chairman reminds the Board that David Dolan and Ken Yorston came before the Board about a month ago for a preliminary discussion for guidance on what could be done with the property. Chairman states this is a difficult lot because it is divided between two different zones, with that being said I will turn it over to David Dolan.

David Dolan of David Dolan Associates, LLC starts by announcing he is the surveyor representing the applicant Ken Yorston and the current land owner ADSC. David Dolan submitted a letter of authorization from ADSC with the application for Ken Yorston. The lot in question is 3.76 acres and the zone boundary runs through the middle of the lot. David Dolan shows the boundary line on the plan. Currently the lot is vacant, there is a gravel drive into the lot and we are here before the Board to propose a mixed use of this property. We are proposing to use the existing curb cut to enter the property and construct a 40 x 60 commercial building in the commercial zone with access around the building and storage for landscaping materials. David continues, we would also like to propose a residential dwelling on the residential portion of the lot. The septic system would be located in this area (David refers to plan on display) which would accommodate both the residential and commercial use. We have identified 9 parking spaces and then the building would be for equipment and maintenance. There is no dumpster shown because the storage for trash would be collected in barrels inside the commercial building. The business proposed is a landscape business with 3 employees, typical hours of operation are between 7 a.m. to 6 p.m. Mon-Sat. Ken does plowing in the winter so he would use the building for storage of plows and maintenance.

David continues, we have begun conversations with an engineer to accommodate drainage. We do have wetlands at the rear of the property, the 50ft wetland buffer is shown on the plan. The way I understand it the run off treatment would have to take place outside of that buffer. We would need to grade everything and get it into a bio retention pond to collect storm water runoff in that area. We did meet with the Board about a month ago to try to get some guidance so we are here today to try and refine that and see what further information the Board may need.

**Chairman:** The dwelling would only be used as an actual residence.

**David Dolan:** That is correct. That's about it, if there are questions at this point we would be happy to answer them.

**Chairman:** Anyone on the Board have questions for Mr. Dolan?

**Harry Viens:** I'm curious about the septic is that for the commercial building or everything?

**David Dolan:** That is for everything. We've shown a house on the plan to provide for that location if it were to happen because you can have multiple uses on this property. The dwelling is not Mr. Yorston's initial concern of developing the property we just want to make sure we provide for everything. We just want to be upfront at the planning level and make sure we are not excluding anything in any way.

**Bill Ricciardi:** The septic is pretty far away from the commercial building so is this why the slab is at elevation 102 so you would have enough pitch to get to the septic system?

**David Dolan:** Yes actually we may have to slide that up.

**Bill Ricciardi:** What is the distance from the building to the septic?

**David Dolan:** About 180 feet

**Bill Ricciardi:** And what is the pitch?

**David Dolan:** ¼” per foot so we may have to tweak some things around a little bit but worst case is you pump it. Finished grade will probably be about 3ft above existing grade. That’s one of the things we have not finalized yet because we don’t want to be running in the wrong direction and have everything designed and have the Board say they deny this request.

**Chairman:** Have test pits been done?

**David Dolan:** Yes the test pits were done during the original subdivision by Chip Bollinger and this is where it was suitable to place the septic.

**Jackie Baker:** Would you simultaneously be building the septic when the commercial building would be going in?

**David Dolan:** We would need to put the septic in regardless which building goes in first in order to get an occupancy permit.

**Chairman:** Any other questions from the Board? Hearing none the Chairman states we did not receive any correspondence regarding this matter so we will open it up to the public. I would ask that anyone wanting to speak state their name for the record.

**Doug Grier:** I’m Doug Grier I have land right next to this lot. How far is the septic system from Bartlett Hill Road? My well is just about where you’re showing the septic will be and it’s a sloping grade.

**David Dolan:** Well when your well went in it’s supposed to be at least 75ft off the property line under current rules. That is what is required for separation between a well and a septic system as a minimum distance so it should meet that requirement.

**Doug Grier:** Ok I had David Ames design the whole thing.

**David Dolan:** I actually have a copy of that so I will take another look at it. I think we maintained that separation, if your well was closer than that 75ft from the property line you would have had to record a well release.

**Chairman:** so theoretically the septic is about 95ft from the well taking into consideration the set back on the other side from the boundary line.

**David Dolan:** Yes

**Chairman:** Anyone else?

**Jay Guarino:** Jay Guarino Bartlett Hill Road, is there any setback for the commercial building from the zoning line?

**Chairman:** Just the regular set back from the property line there is no setback from a zoning line it can go right to the edge of it.

**Jay Guarino:** How far back will the commercial building be from the road?

**David Dolan:** From the building to the pavement is about 225 ft.

**Jay Guarino:** I am curious about the front of the property are you going to leave a buffer between the building and the road?

**Ken Yorston:** What’s currently there will probably be pruned and improved upon with evergreens. I am not going to clear cut the front row.

**Karen Guarino:** Karen Guarino, Bartlett Hill Road. My only comment would be that right now you are saying you are going to have parking spots for 9 or so cars and employees coming in and out. What kind of guarantee do we get that you will not expand to 50 cars and it would be ok because he lives there now? Similar to what has happened to us next door that continues to sit there when it shouldn’t be. I don’t want to look across the street and look at what I have to live next door to. Karen continues, that is my concern, I want it to look nice. It’s painful to have what I have next door to me and everyone just have to be ok with it and this is no offence to you (referring to Ken Yorston) I just don’t want to look across the street at it too. I just want to know if he has permission to park 9 cars there that I’m not going to look out my window and see all kinds of plow trucks and everything sitting there and listening to reverse lights beeping all night long for snow plowing. I just don’t think that is fair to everyone else that lives there.

**Chairman:** I can appreciate that you are concerned and those are real issues. The fact of the matter is the part that’s in the commercial zone, commercial is commercial. So we need to try to strike a balance here and any approval that may be given would come with a clear definition of just what you are referring to, like the 9 parking spaces and where material is kept.

**Ken Yorston:** I’ve been in business for 10 years, over the last 5-6 years I haven’t had more than 5 employees at a time. I’m hoping the dwelling will be built in the next 5+ years or so once my daughter is out of school so I can move to this property. I do plan on improving the front portion of the lot. I own a landscape company and if my own property does not look good why would anyone want to use me for their own property. I believe if I have a shop it should represent the type of work I do.

**Doug Grier:** In a previous discussion prior to this hearing you (referring to Ken Yorston) had no intention on renting or having rental property that will be above the commercial building or renting the home you are going to build is this accurate?

**Ken Yorston:** No, I have no intentions on doing that. The upstairs will be an office for my business.

**Chairman:** Just so you know Mr. Grier, there is a law that has just gone into effect that is changing where Towns could limit accessory dwellings, such as converting that upstairs into an apartment. It’s a new law and as it’s written today someone could buy that building and convert the upstairs into an accessory dwelling area. Ken has I’m sure, the best intentions, but circumstances change and someone else could own that house and have different plans.

**Bill Ricciardi:** I just want to go back and directly answer your question (referring to Karen Guarino's question regarding parking), if we approve this proposal we will approve it for 9 spaces only, regardless of what happens he won't be able to put more vehicles.

**Peter Loudon:** It would be enforceable.

**Jay Guarino:** What happened with Jordan then?

**Peter Loudon:** We won't go there because that was way before us.

**Ken Yorston:** This is why we had a primary discussion with the PB before we worked on putting an official plan together. I am an upfront person, I would like people to know my plan and have everything out in the open and not try to sneak things in. I have no desire to do that, I want it done and I want it done right and have everybody happy.

**Chairman:** Anyone else from the public want to add anything? Hearing none Chairman closes the public session.

**Chairman:** To review, the guidance that we gave Dave and Ken we have a precedence for things like access into the property. Using that same line of thinking to have a shared septic system seems reasonable. The greyer area in my mind are the parking spaces. You'll notice he's kept the material and equipment on the commercial side but how do we feel having the parking spots in the residential portion of the lot?

**Peter Loudon:** Why would that be a problem, I guess is my question.

**Chairman:** Well I guess it goes to what Mrs. Guarino was talking about, having to look at a bunch of vehicles. But yes, this issue like I said is a grey area because there are people in down town that have a bunch of parked cars on their property.

**Bob Coppo:** What is to prohibit him from putting aggregate or some other material here?

**Chairman:** We would set requirements if an approval is granted.

**Bob Coppo:** You have the storage areas in the commercial portion and I think the neighbors kind of eluded they don't want something stacked up there so it would have to be made clear this was for parking vehicles only.

**Chairman:** Right for vehicles only, all equipment and materials would have to be on the business side of the property.

**Peter Loudon:** Let me ask this so that we clarify, what about lettered pickup trucks that are part of the business. Such vehicles will not be parking in these allocated parking spots but will be parking behind the building?

**Chairman:** That's one of the questions I think.

**Peter Loudon:** Because a lettered pickup truck is clearly part of the business. Parking spaces would be for employees and clients and then all equipment would be parked elsewhere on the business side of the lot.

**Chairman:** Mr. Yorston is that what you were thinking or were you thinking you would have trucks in these spots?

**Ken Yorston:** I currently have 2 lettered trucks, one is usually in the current shop that I have and one is parked on the side so to have one truck park out back is not a big deal.

**Chairman:** So your intent is to just use these spots for employee and client parking?

**Ken Yorston:** Yes

**Harry Viens:** You could do some plantings around that area as well to soften the view, it is on the downside of the slope. Some of it won't be visible because of that.

**David Dolan:** There will be a retaining wall along the downside of the slope.

**Bill Ricciardi:** Ken just a quick question, you show an overhead door here on the building, how much of this building will be used for parking? Will you bring your trucks inside the building, is that why the overhead door is here?

**Ken Yorston:** I would have room to pull a truck in and through.

**Bill Ricciardi:** So you could park vehicles inside?

**Ken Yorston:** Yes my intent is to store them inside leaving a bay for current work.

**Bill Ricciardi:** Sounds reasonable to me.

**David Dolan:** During our preliminary discussion we did talk about perhaps putting parking in the rear of the building but the way the building would lay out we were getting too close to the wetlands. We are trying to maximize the space in the commercial area as best we can.

**Chairman:** We have not had our planner Mike Izard review this plan, would the pleasure of the Board be to get his input on this?

**Peter Loudon:** It would probably be wise.

**Bob Coppo:** Wasn't he here when we had our preliminary discussion on this?

**Chairman:** He was but we didn't have this level of detail.

**Bob Coppo:** It wouldn't hurt to have him review it.

**Bill Ricciardi:** I think it's a good idea, would it be possible for him to provide us with his input before our next meeting?

**Chairman:** We would request that. If we continue this hearing we can have a second meeting in June on the 21<sup>st</sup>.

**Motion:** Chairman, I am going to move to continue this hearing to June 21<sup>st</sup>. Peter Loudon, I second that. All were in favor of continuing the hearing to June 21<sup>st</sup>.

**Chairman:** We are going to continue our hearing to the 21<sup>st</sup>, we believe you are on the right track we just want to make sure we are handling this correctly as it pertains to the parking spots.

**Jackie Baker:** I for one would like to do a site visit, not sure if anyone else feels that way.

After some discussion the Board agrees to meet at the property in question on June 21<sup>st</sup> at 6:15 p.m. to walk the site. Hearing will reconvene at the Cary Mead Room following the site walk. **There will be no discussion between Board members or public input during the site walk, only questions from Board members to the applicant and his surveyor will be allowed.**

**III. PERMITS:**

Board reviewed the construction permits applied for in May.

**IV. WORKSESSION:**

Clerk updates the Board, in review of the 2015 OEP Rules and Procedure Document our PB Policies Document and our 2006 PB Rules of Procedure Document it was apparent that the 2015 OEP document and the 2006 PB Rules of Procedure document were almost identical. Clerk took the newest OEP version and cross referenced with the two PB documents and consolidated them into one removing duplication and adding policies that had not been included previously. Clerk distributed the new document to the PB for their review. Chairman asks the Board to review and prepare for discussion at the next meeting.

**V. OTHER:**

Harry Viens updates the Board as an FYI, if the Select Board receives a notification of a wetlands application or permit they will send a letter to the applicant informing them that they may need a construction permit depending on the the work and or value of the project. The letter will also make the applicant aware they may be subject to the new Water Resources Ordinance. Any correspondence the Town receives from the State will trigger a letter to the applicant.

Bill Ricciardi, do we want to do anything with the Master Plan? Chairman, let's save that discussion for the next meeting.

Clerk discusses the change in the regularly scheduled meeting for July. July 5<sup>th</sup> would be the first Tuesday of the month there are many people including the Clerk that will not be available for that meeting, therefore, the clerk is requesting the meeting be changed to the 3<sup>rd</sup> Tuesday of the month which would be July 19<sup>th</sup>. The Board agrees with moving the meeting to the 19<sup>th</sup> of July. Clerk also updates the Board the Selectmen approved Camp Eagle Cliff's request.

Chairman mentions as an FYI Ambrose Brothers may come in to amend their site plan for the crushing of stone at the gravel pit. They would like to extend the hours and days originally approved for crushing.

The Chairman adjourned the meeting at 8:12 p.m. Next meeting scheduled for June 21, 2016 @ 7 p.m. Respectfully submitted by Aimee Manfredi-Sanschagrín.