

TOWN OF CENTER HARBOR
PLANNING BOARD
Hearing
Tuesday, March 7, 2017
7 p.m.

Chair Charles Hanson called the hearing to order at 7:00 p.m. Other board members present, Vice Chair Peter Loudon, Selectmen's Rep Harry Viens, Kelli Kemery, and Clerk Aimee Manfredi-Sanschagrin. Absent members were David Reilly, Bill Ricciardi and Bob Coppo. In the audience, Surveyor Carl Johnson, Attorney Steven Nix, Sandra McClaskie, Nat Dane, Jan and Paul Maggi and Ken Balance.

Voting members: Charles Hanson, Peter Loudon, Harry Viens and Kelli Kemery.

- I. MINUTES:** Peter Loudon motioned to accept the minutes of February 28, 2017. It was seconded by Kelli Kemery. All were in favor.

II. PUBLIC HEARING: BOUNDARY LINE ADJUSTMENT MAGGI/DOLAN

Chairman announces the hearing for Boundary Line Adjustment is between Lot 211-015 owned by Paul C. Maggi and Lot 211-015.1 owned by Nathan Dole. Chairman turns the meeting over to Carl Johnson. Carl Johnson of Advanced Land Surveying representing Maggi and Dole parties outlines for the Board the area being conveyed identified on plan as "Parcel A" to be conveyed to Map/Lot 211-015.1.

Carl states lot 211-015.1 will become bigger by 32,000 sf, 211-015 will become smaller by 32,000 sf. The new boundary lines were created so there would be no conformities created in terms of inadmissible setbacks from the structures. The new lines are far enough away so that the set backs are being met. Carl continues that the Town had been in communication with him stating the restricted covenants and easements that appear on previous plans should be placed on this plan for consistency and to avoid confusion. Carl continues, I also received a call from Attorney Steven Nix who is here and will speak about this as well, but he expressed the concern from an abutter of this property and wants to make sure the covenants and easements that relate to their property are on the plan so there is no misinterpretation. Between my conversations with the Town and with Steven Nix I have added some notes so I believe we are covered.

Carl Johnson, "If the Board were to entertain an approval this evening, I would hope that you would allow us the flexibility to allow Mr. Nix to review this plan and maybe even if there was one more note regarding the restrictions we could add that and not have to come back before the Board. It would simply be to make sure that notes that were on previously approved planning board plans that are recorded at the registry are reflected on this new plan." Mr. Nix did note on some of the previously recorded plans there were wetlands symbols, it did not appear they were delineated to any extent that I could tell so I didn't delineate them either but I do have a note on the plan that says "wetlands in this area were not located as part of this plan". This note is just to make someone aware there may be wetlands.

Chairman asks if there are any questions from the Board. Harry Viens, I have one question about the proposed conservation easement. That was noted on a plan when Mr. Maggi was doing his original subdivision and as I recall, essentially by default put that land into conservation or created a conservation easement on it. So unless someone wants a conservation easement on this property that may not already be there, that note probably should come off. I may be wrong. I just don't want someone to end up with a piece of property that is conserved that they were not expecting to be conserved.

Chairman asks Steve Nix to speak. Steve Nix Attorney for the McClaskie's. Carl is correct, we have been communicating back and forth with plans and deeds to make sure we cover everything and there is no confusion. I pointed out that conservation note for whatever it means, it is on the plan (L68-02) that originally created the lot formerly under Ritz now owned by Dole. Attorney Nix supplies the Board with a set of plans in chronological order for the subdivision. Board reviews. Attorney Nix also mentions in the deed from Mr. Maggi to Mr. Ritz which created that lot makes specific reference to that land (Book 2622 Page 694 dated January 27, 2010). At that point I told Carl it is on the plan and it is in the deed, for whatever it means it should be on this new plan.

Harry Viens, which is why I think it means that area is conserved. Chairman, but it says proposed. Harry Viens, but this is what happened with that parcel when Mr. Maggi was in before, even though it says proposed once it gets recorded by default it becomes conserved. Peter Loudon, even though it says proposed? Harry Viens, yes it is a State RSA, I don't remember the citation.

Attorney Nix, we just want all the information that is in the deed and that appears on the previous plans to be included on this plan and then everyone is on notice. The Board agrees. A note will be placed on the plan which provides the date in which the “proposed conservation” note was added so it can be referenced back to its origination. Attorney Nix, so I just want a chance to review the plan, make these minor note adjustments and then I can offer an email to the Board stating we have reviewed the plan and these are the minor changes that would be required. Chairman asks if that is ok with Carl Johnson, Carl replies yes.

Chairman asks the Clerk to note that the Board would agree to allow Attorney Nix and Carl Johnson to suggest new language for the proposed conservation area and the adjustment of no build zone line. Attorney Nix responds yes, I believe that would be it. Chairman, the reason why I am asking is because having a conditional approval for us is a slippery slope and we are not real comfortable with that. The options are to continue the hearing until we get it nailed down or if it’s just a couple things that are minor, we can make sure that is clearly communicated. Carl Johnson, I think it is just minor changes, I don’t think there will be anything of significance added to this. Attorney Nix, I think Carl has everything I asked for it would just be the language that may need to be tweaked.

Chairman asks if everyone is comfortable with what is being proposed. Harry Viens, conditional approvals concern me. Peter Loudon, I am ok with it. Carl Johnson, what would happen is Steve and I will work out whatever language details there are and then I would deliver the final paper copies with the Mylar along with a letter identifying the minor changes that we have made. The Board has the power not to sign the Mylar if there is anything on there that significantly different.

Chairman, any other questions from the Board? Hearing none Chairman asks if the public has any questions. Ken Ballance makes a statement that he checked the online wetlands map and according to that data there are no wetlands in the area that is depicted as wetlands on the plan in front of the Board.

Chairman, closes the public portion at 7:19 p.m.

Motion to accept the application: Kelli Kemery motions to accept the application as complete. Peter Loudon seconded. Motion passes unanimously.

Motion for boundary line adjustment: Chairman motions to approve the plan pending the two items discussed earlier. Peter Loudon seconded. All were in favor. Motion passes unanimously.

III. PERMIT:

The Board reviewed permits submitted in the month of February.

IV. DISCUSSION

LRPC Commissioner - Harry Viens received a letter from LRPC stating that David Hughes is resigning and they need a new representative. The letter is suggesting this representative be someone from the planning board. Chairman, anyone interested? Hearing none, Chairman makes a motion to recommend Bill Ricciardi, understanding a discussion is needed with Bill but that he would be a great choice. Chairman, do we all agree we should discuss with Bill? All were in agreement. ☺

Legal matter update: Just want to update the Board that we discussed with Town Attorney what we had decided at our last meeting and it seems like that is the direction we are going in.

Planning Board Candidates: A list was generated with a list of possible candidates for the Planning and Zoning Boards. Planning Board is down two alternates so Sheila Mohan generated a list using a criteria of who tends to stay here year round and came up with a list of 10-15 people. The Select Board can send out a letter to see if there is anyone interested.

ADJOURNMENT

Meeting adjourned at 7:32 p.m. Next meeting scheduled for April 7, 2017 @ 7 p.m.

Respectfully submitted by Aimee Manfredi-Sanschagrin.