

TOWN OF CENTER HARBOR
PLANNING BOARD
Meeting
Tuesday, November 7, 2017
7 p.m.

Chair Charles Hanson called the meeting to order at 7:00 p.m. Board members present Vice-Chair Peter Loudon, Selectmen's Rep Harry Viens, David Reilly, Bill Ricciardi, Kelli Kemery, Mark Hildebrand, Bob Coppo, Winnifred Boynton and Clerk Aimee Manfredi-Sanschagrín. In the audience Attorney Grill, Helen Heiner and Susan Patz.

Voting Members: Charles Hanson, Harry Viens, Peter Loudon, David Reilly, Bill Ricciardi, Kelli Kemery and Mark Hildebrand.

- I. **MINUTES:** Peter Loudon motioned to accept the October 3, 2017, minutes. It was seconded by Mark Hildebrand. All were in favor.
- II. **PERMITS:** Board reviewed the permits. No discussion.
- III. **REVISIT KLINE ROAD PHASE II**

Chairman updates the Board on a previous discussion the Board had back in February 2017 regarding conditions of a subdivision approval. The Board reviewed documentation to determine if the sale of Lot 7, Map 212 Lot 030 triggered a condition of the subdivision approval which would be to complete the road from the cul-de-sac to the hammer head shown on Lot 9, Map 212 Lot 032.

During the February meeting the Board decided an informal notification to the Board of Selectmen was warranted based on the PB being made aware of possible civil litigation between the seller and buyer of the above mentioned property. Time has passed and the Board has not received any updates. The notice of decision from January 17, 1989, states under condition C., if Lot 6, 7 or 8 is sold, the road must be brought up to the approved road standard which requires a 20' wide travelled surface of gravel from Route 25B/Dane Road to the hammerhead shown on lot 9 within 6 months of the sale. Upon the transfer of ownership on May 5, 2016, from Edwin D. Kline to Amanda Nason and Connor Hayes (Map 212 Lot 030), the above mentioned condition has been triggered and the Board feels Mr. Kline is not in compliance with the subdivision approval.

After some discussion and review of documentation, the Board agreed a formal letter should be sent to the Board of Selectmen. The Board is requesting that notification be made to Duke Kline that he is not in compliance with the Subdivision approval. According to the Notice of Decision dated January 7, 1989, the completion of the road was due within 6 months of the sale of the above mentioned lots.

Chairman suggests that perhaps a letter should be sent to Mr. Kline to let him know this is an issue that the Town is aware of the situation and if he is not going to build this road or doesn't plan to, he should come to the Planning Board for site plan review.

Attorney Grill from Devine Millimet representing Amanda Nason and Connor Hayes asks to address the Board. According to Attorney Grill, the buyers were not aware of the road condition outlined on the subdivision approval. They assumed that the dirt road leading to their home was

Kline Road. The buyers have been trying to work with Mr. Kline for the last year and a half to come up with a solution. They do not want the road built in what they believed was their front yard. Attorney Grill continues, without going into detail, our position is that Mr. Kline abandoned the road based on the fact that he improved the area where the road is supposed to go.

Bob Coppo: The ROW information would have come up when researching the covenants on the property would it not?

Attorney Grill: They were not made aware of the road. They feel they were misled and that is what is being dealt with between the parties. In the subdivision approval that area for the extension of the road cuts right through their front lawn. That area in question has been improved by Mr. Kline up to the dirt road with gardens, a shed and also the paved driveway that leads to the house.

Bob Coppo: So Mr. Kline has actually built into the right of way.

Attorney Grill: Yes, Kline improved and we thought, sold the area that you folks required and declared to be the road.

Harry Viens: So the garden and the structure are Duke's?

Attorney Grill: Well he sold them, or we thought he sold them and my clients thought they bought them. In fact, these items were put into the listing for the home sale mentioning the lovely gardens and shed. Which both are located within the right of way.

Bob Coppo: So you're saying the road goes through the middle of their yard which is really not their yard.

Attorney Grill: Well, they thought it was their yard but found out it's not their yard.

Kelli Kemery: Where did they think the road was going to go?

Attorney Grill: They did not know there was going to be a road. No one told them, they thought the dirt road, which is the thinner line shown on the map, was Kline Road.

Harry Viens: So the area in question is designated on the site plan as a road?

Chairman: Yes.

Attorney Grill: We just wanted the Board to know about it because it is going to court.

Chairman asks if anyone else has anything to add.

Susan Patz: We had our land surveyed when this issue came up, the shed is actually on our property and the road goes further into the yard.

Bob Coppo: Helen, which property are you?

Helen Heiner: We are the house in front of Amanda and Connors. The road that goes into the tree line belongs to us.

Chairman: The property across the way is also owned by the Heiner's.

Peter Loudon: Are we moving forward with a letter to the Select board to have this issue reviewed by Chris Boldt?

Harry Viens: Yes, I think that is how we should handle this.

Bob Coppo: As far as we know, there is no interest in lot 31?

Chairman: There is certainly the potential someone could build on either of those lots.

Bill Ricciardi: Aside from all these things going on with the buyer and seller, this is really a clear cut issue for this Board. We need to make a recommendation to the Selectmen and then the Selectmen will hopefully notify Mr. Kline that he is not in compliance. Which may impact your clients or it may not, we just need to make a decision on our end.

Chairman: I think it's pretty clear what we should do but what is the Boards feeling on this? Are we all in agreement to send all this information to the Selectmen and hopefully the Selectmen will

agree to review the situation with Attorney Boldt and based on his response will dictate what position we take on this?

Mark Hildebrand: I am still a little confused, I am not sure why we even need to be involved until they are done with their issue.

Bill Ricciardi: Their issue doesn't concern us, when the house was sold 6 months later the road should have been built to the hammer head. That was the approval of the subdivision.

Harry Viens: And I think technically if we don't enforce, we can face some sort of liability.

Board agrees to send a formal letter to the Select board requesting review by Attorney Chris Boldt.

IV. **OTHER**

Chairman goes over the 2017 budget with the Board and discusses what the 2018 Budget should be. Board agreed to keep the budget at 6,600 which was the amount budgeted for 2017.

Meeting adjourned at 7:53 p.m. Next meeting scheduled for December 5, 2017 @ 7:00p.m. Public Hearing for 2018 ordinance changes. Respectfully submitted by Aimee Manfredi-Sanschagrin.