

TOWN OF CENTER HARBOR  
PLANNING BOARD  
Meeting  
Tuesday, December 3, 2019  
6 p.m.

Chair Charles Hanson called the meeting to order at 6:00 p.m. Board members present Pre noticed late arrival Vice Chair Peter Loudon, Selectmen's Rep Harry Viens, Bill Ricciardi, David Reilly, Kelli Kemery and Mark Hildebrand. Alternate member Rachel Xavier and Clerk Aimee Manfredi-Sanschagrin. In the audience Jim Hambrook of Hambrook Land Surveying, property owner Steve Mitchell and Code Enforcement Officer Ken Ballance. Winnifred Boynton was absent.

**Voting Members: Chair announces the voting members as himself Charles Hanson, Harry Viens, David Reilly, Bill Ricciardi, Kelli Kemery and Mark Hildebrand.**

**I. MINUTES: (Voting members for minutes, Charles Hanson, Harry Viens, David Reilly, Bill Ricciardi, Kelli Kemery and Mark Hildebrand).**

Mark Hildebrand motioned to approve the minutes of November 5, 2019 as presented. Seconded by Harry Viens. All were in favor the minutes pass unanimously.

**II. PUBLIC HEARING – NRSPR BKM Realty Holdings, LLC 227-017**

**Peter Loudon has recused himself from this hearing, Peter once owned the land in question.**

Application has been submitted by BKM Realty Holdings, LLC. The request is to construct a 48' x 91' building and associated gravel parking and storage area for use as a landscape business. Construct an outdoor kitchen display area. Chair indicates the location of this property is across from Peter Loudon's auto repair shop.

Chair turns the hearing over to Jim Hambrook surveyor for BKM. Jim states it's currently a vacant parcel of land. On the plans Jim shows the existing conditions and where the building will be located. The wetland and parking areas are also shown on the plan.

The terrain elevates in the back and there are proposed retaining walls on the plan to hold back the slope. There's an existing wetland permit in place and the culverts have been in place for 2-3 years. Chip Bollinger pulled all the permits for that so upon approval the culverts went in. The driveway is also in already. The outdoor kitchen display would be in front along the road. Jim turns the presentation to Steve Mitchell property owner.

Steve starts by stating it is not just a kitchen display it is also to be used as a paver yard. My company installs paver patios, driveways, retaining walls etc. We thought it would be a good idea to have our own display available to take customers to instead of a local building yard. This way we can show the work we are capable of doing and it ends up being free advertising for us.

Bill Ricciardi asks if it will be a functional kitchen. Steve responds no just a display. High end homes now do outdoor kitchens and patios on the waterfront. Chair responds, we are well aware of that. Steve continues, realistically no one will be there it's just a way for someone driving by that might be interested can park and walk through to get an idea of what we can do. We have no interest in retail just a place where we can store our equipment and again have displays of the work we can do. Chair asks, so you are not selling blocks or product there? Steve responds, no we will not sell blocks we purchase everything from Gilbert Block or Gilford Home Center.

Chair asks for questions. Bill Ricciardi, mentions because we touched upon lake front properties and outdoor patios, I just wanted to mention that if you plan on doing any work on the waterfront, make sure you review the Town of Center Harbor Zoning Ordinance as it pertains to set backs from the water.

Steve responds his company has never done any work in Center Harbor and as far as he knows we are the only town that requires permits. Ken Ballance asks for clarification on what he means. Steve responds, for landscaping construction such as retaining walls or patios in towns such as Gilford or Meredith I don't need a permit. Ken, I find that hard to believe. Steve, no not on patios. If I do a paver driveway, I need a driveway permit but other than that nothing unless of course it involves Shoreland or DES. Ken states, in the Town of Center Harbor \$1500.00 fair market value in one year anything you do requires a building permit. Steve, that is good to know.

Kelli Kemery, if people pull over to take a look at what is there what were you proposing for an area for people to park? Steve, the plan shows parking areas on the property. This is really just a place for us to bring our own customers instead of taking them to a local paver yard and exposing ourselves to other competition.

Jim Hambrook states he shows the building set back on the lot that would be the proposed area. What Ken comes up with when he issues the permit that's up to him.

Chair asks if Ken would like to comment. Ken responds yes, he would just like to make sure on the plan it shows storm water management. Jim Hambrook states it's on page 1 and page 2 (Erosion Control) of the plan. Ken, they have about 80% disruption on that property right now, we typically only allow 30%. Jim adds, he has drainage and subsurface drain at the building. Ken asks if the plan shows the 50' buffer on the wetland. Jim Hambrook shows the buffer on his plan. Ken, the display is outside that buffer? Jim responds, yes.

Harry Viens asks if he's going to cover with plantings. Steve responds, there is no plan for plantings yet but if Mark Moser recommends that we will add them no problem. Harry states, I just want to make sure the soil is stabilized. Chair asks if there are silt fences on the property yet. Steve responds yes and we have straw barriers and have hydroseeded some areas. The lot is mostly rock, there is not much vegetation.

The Board has a lot of discussion about the use of the building. Chair asks if there would be a drain from the building. Steve responds no, this will basically be used as a storage facility unless you say that I have to have one. Ken states you cannot have an interior drain in a commercial building. Steve, we don't intend to use the building for anything other than a storage facility for our equipment.

Rachel Xavier asks if they plan to put a sign at the location. Steve responds he doesn't think so, he feels if he puts up a sign people may think it's a retail business selling blocks or mulch etc. and that's not what we are doing so I think a sign would only encourage people to visit that are looking for that stuff.

Chair, I encourage you to have a very good understanding of what you can have there for a sign. Steve, my understanding it is based on the size of the building. Ken, yes up to 3000 sf anything more than that remains what would be allowed for a 3000-sf building. Chair and it's not something we have to discuss now but it's been a big deal in town so I just want to make you aware we have certain rules specific to signage. Steve responds he will work with the Town on what he could have if and when that time comes.

Kelli Kemery asks if there are any environmental concerns if they intend to work on their vehicles. Steve responds, we don't do our own repairs all of our vehicles are at Mr. Louden's shop. We are not very talented at fixing anything so we would leave that to the people that know what they're doing.

Bill Ricciardi asks if the people on Chester Lane received notices of the hearing. (Application includes the abutters list and that entire road is on the list). Steve adds he has a great relationship with everyone on that road and that Jerry Labraney offered Chester Lane as access to the business if a driveway permit was not issued.

Chair asks if there are any other questions or thoughts, hearing none Chair asks for a motion to accept the application.

**Motion: Bill Ricciardi motions to accept the application as presented. Seconded by Mark Hildebrand. All were in favor of accepting the application as presented.**

Chair, I think we should try and codify what has been discussed with the Board here tonight. Would anyone like to make a motion to accept this as presented but do we want to include things on the plan such as this building is not being used for retail purposes this is a service use. Perhaps a note that this is a storage facility and not used for maintenance.

Rachel Xavier, will there be potable water there to say for example clean off machinery? Steve responds he does not believe so. We typically take our vehicles to the car wash and our machinery is on a job site. When the job is finished it comes back and we have it serviced either through Pete Louden or Bobcat Equipment. We are not mechanics so we don't even try we let the professionals handle it.

Ken, addresses the Board. Do you think it might be better for them and for us if we don't put maintenance on there because if he wants to do maintenance on his vehicle he would be in jeopardy at that point. Maybe it's worded "Major Mechanical" or something like that. If you write maintenance and he were to change a light bulb he could actually be in jeopardy. Chair, good point so the building is to be used as storage only? Pete Louden, I think that still creates a problem. Pete continues, I know I'm recused but something that would clearly indicate no major mechanic work and as Ken stated "Major Mechanical" covers it. Ken, Major Mechanical Repair I think would be clear. Steve, we do sharpen our own lawnmower blades and things of that nature but that's about the extent of it. Chair, so Ken, Kelli's idea is that we would allow storage and some light mechanical work. Mark Hildebrand adds, I would leave the word mechanical out of it and use something like "Light Maintenance". Bill Ricciardi, the only problem is we don't have a definition of what "Light Maintenance or Mechanical" is or isn't.

Kelli Kemery asks Ken Ballance if he was proposing that we just write storage? Ken, well storage and what would be considered normal maintenance routine. If he has a lawnmower or a truck in there and he wants to change a lightbulb that kind of stuff would be acceptable. You don't want stuff like changing transmissions and stuff like that going on. Board agrees "Storage and Routine Maintenance" makes sense. Chair asks the Clerk if the conditions were noted. Clerk responds the notes indicate the "Building would be used for storage and routine maintenance only" and requests the Board confirm the use of the word "only" which they concur. Chair wants the minutes to reflect the detail of discussion surrounding what activity can occur inside the building, the clerk's minutes (as a matter of procedure) reflect the actual transcript of the recorded meeting. Chair just wants to be clear that if the current owner sells the property the new owner is aware of what is allowed at that location and there is no confusion.

Chair, I would propose to approve the plan as presented and I think it would be prudent to state that we are approving both plans because there are two sheets with the engineered plan. Bill Ricciardi motions to approve the plans as presented. Seconded by Kelli Kemery. All were in favor of approving the plans as presented. Chair adds there is a 30-day appeal to the Board's decision.

Steve asks if he could have permission to remove the fill that is on the property within the 30-day waiting period. Chair responds the plan is not approved until the 31<sup>st</sup> day. Ken Ballance adds that Steve also need to get a building permit. Steve asks after the 30-day appeal period has ended can they do what they need to do? Chair states within our building codes yes. Steve thanks the Board. Jim Hambrook requests a copy of the minutes and the notice of decision so he can place the conditions discussed on the final plan. Clerk will issue documents to Jim Hambrook within 5 days.

**III. PERMITS:**

Board reviews the permits no discussion.

**IV. OTHER:**

Review and approval of the requested changes to the Non-Residential Site Plan Application and the Non-Residential Site Plan Section.

Non-Residential Site Plan application to add under Section 4 Additional Material or Information Required letter (h) which reads **All signs except identifying and directional signs as defined in Section 6:4 SHALL require a construction permit.**

Non-Residential Site Plan Section 3:1:1 General to add **ALL signs except Identifying and Directional Signs as defined in Section 6:4 shall require a construction permit. See Section 6 for sign specifications.**

**Motion on above referenced changes to the Site Plan Section and Site Plan Application: Peter Loudon motions to accept the changes as written. Seconded by Bill Ricciardi. All were in favor.**

Section 6 and 4 Proposed Zoning Ordinance Changes for Town Meeting March 2020.

**Motion: Peter Loudon motions to bring the Ordinance changes to Town Meeting. Seconded by Harry Viens. All were in favor.**

First public hearing is scheduled for January 7<sup>th</sup>, 2020.

**V. ADJOURNMENT**

Next public meeting/hearing scheduled for January 7, 2020. Respectfully submitted by Aimee Manfredi-Sanschagrin.