

TOWN OF CENTER HARBOR
PLANNING BOARD
Meeting
Tuesday, December 1, 2015

Chairman Charles Hanson called the hearing to order at 7:02 p.m. Present were Selectmen's Representative Harry Viens, David Reilly, Bill Ricciardi, Jackie Baker and Clerk Aimee Manfredi-Sanschagrin. In the audience Code Enforcement Officer Ken Ballance and Carl Johnson representing the Ludwick's. Kelli Kemery and Peter Loudon absent with notice.

Chairman announces voting members: Charles Hanson, Harry Viens, David Reilly, Jackie Baker and Bill Ricciardi.

- I. **MINUTES:** David Reilly motioned to accept the minutes of November 17, 2015. Seconded by Harry Viens. All were in favor, minutes pass unanimously.

II. **HEARING: BOUNDARY LINE ADJUSTMENT LUDWICK 220-028 & 220-030**

Carl Johnson of Advanced Land Surveying representing the Ludwick family presents information pertaining to the Boundary Line Adjustment. Carl Johnson explains there is a barn that belongs to Timothy and Karen that actually falls on Eleanor and Joseph Ludwick's property. Both families would like to have this issue resolved by conveying the back side of Joseph and Eleanor's property over to Timothy and Karen.

Carl explains they moved the boundary lines as much as they could still keeping Joseph's property at 40,000 sf which is the minimum required in the zone. Carl continues, in a Boundary Line Adjustment the deeds would be prepared that the language specifically in the deed would be that parcel X would be conveyed and merged with the parcel so we are not creating a parcel that can be sold on its own. It has to be conveyed to and merged with the existing parcel.

Chairman asks Carl to repeat his statement. Carl Johnson, the language in the deed when there is a conveyance and you are not creating any new lots you are simply moving the boundary lines between lots, there are lot lines that disappear so this is described as a parcel itself just as if it was a lot. The language in the deeds says "must be conveyed to and merged with" the abutting parcel so you still end up with one lot and it may not be sold separately. Chairman asks "is that wording so it is crystal clear?" Carl Johnson, absolutely because what may happen, especially in large parcels that are going through a boundary line adjustment such as this, and this parcel here is 90,000 square feet which is two lots in Center Harbor. If it's not worded that way this would not be a boundary line adjustment it would be a subdivision. Chairman, so that is to cover it in perpetuity. Carl Johnson, yes subject to further subdivision. It does not preclude Tim and Karen from coming back in sometime in the future or some subsequent owner with this big piece of land and subdividing it but that is a separate hearing.

Whenever you are conveying a parcel and you are staying with the same amount of lots it's a boundary line adjustment therefore, it has to be conveyed to and merged with.

Chairman, anyone have any questions. Hearing none chairman asks for a motion.

Motion: Bill Ricciardi makes a motion to accept the application, Harry Viens seconds. All were in favor, motion to accept the application passes.

Carl Johnson explains a rebar will be set defining the new line between the lots (showing on map). A new plan will be submitted showing the new lines and will have a revision date when the change was made but that will be the only change on the plan.

Motion: David Reilly motions to accept the plan as presented, seconded by Harry Viens. All were in favor, motion to accept the plan as presented passes.

III. **SECTION 5:3:1 CHANGES PROPOSED BY CODE ENFORCEMENT**

Ken Ballance Code Enforcement Officer is proposing a change to current Ordinance 5:3:1 as it pertains to patios. Patios are listed specifically as structures. In 5:3:1 second paragraphs it states certain structures shall be permitted by special exception in the shorefront district. Which in reality, if they wanted to install a patio we could make them come in and apply for a special exemption even though it is not stated, patios are part of the definition of structures. Ken Ballance, I think patios should be allowed as long as they understand they will stay at ground level, there will be no walls or rails surrounding them which will eliminate decks. My proposal indicates the material will be pervious. I think patios if they are kept at 150 sf

(which we currently have in the ordinance) should be allowed with specific criteria. I don't think it's fair or reasonable to not allow patios in that area.

Chairman, just to be clear administratively because in 2008 patios were removed from the Ordinance in theory it's not under special exception therefore, they would have to apply for a variance. Ken Ballance, yes exactly. Chairman, so you are saying it doesn't make sense because we do allow certain structures by special exception so why not allow a patio with the same criteria of square footage and the mention of nothing constructed above the ground. Ken Balance, and I would like to add this is strictly in the lake front.

Board reviews the draft language submitted by Ken Ballance and agrees to work on the proposal for Town Meeting.

IV. **SECTION 10 WRCOD- REVIEW CONTINUED**

Board confirms the changes from the previous meeting. Board members brought additional items to be reviewed by LRPC. Clerk will request LRPC input and make changes accordingly.

Chairman asks if there is motion to take the proposed Section 10 to Town Meeting. Bill Ricciardi motions to take the proposed Section 10 to Town Meeting, Seconded by David Reilly. All were in favor of the motion.

V. **PERMITS**

Board reviewed permits.

VI. **PLANNING BOARD POLICIES**

Chairman discusses the document Clerk sent with Planning Board policies. This is for the Board to review and we will revisit for discussion in February.

The Chairman adjourned the meeting at 8:08 p.m. Work session scheduled for December 15, 2015 @ 7 p.m. Respectfully submitted by Aimee Manfredi-Sanschagrín