

**OSSIPEE PLANNING BOARD**  
**Meeting Minutes**  
**March 5, 2024**

Minutes have been recorded for the convenience of summarization by Laura Nash, Boards & Commissions Secretary. Effective February 20, 2024, all recordings will be stored until further notice. Once the board accepts the written minutes, they become the official record of the meeting; any amendments to the minutes are noted in ***bold & italic*** type.

**Call to Order:** Sharon “Sharie” Cohen, Chairman called the Special Meeting to order at 7:00 PM and requested all cellphones to be silenced.

**Pledge of Allegiance:** Was recited by all in attendance.

**Roll Call:** Sharon “Sharie” Cohen- Chairman, Bruce Stuart- Vice Chairman, Roy Barron Ash Fischbein, and Brian Ames

**Absent:** Krystal Eldridge

**Other Attendees:**

Enoch Stiff, Jared Stiff, Jen Delaney, Martin Delaney, Dallas Emery, Victoria Perez, Llyod Griffin, Chris Tymula of GPI, LLC; and Bob Bollinger of GPI, LLC.

**Public Input:** Chairman Cohen called for any questions or discussion unrelated to any case being presented tonight. None was heard.

**Meeting Minutes:** Review to approve Meeting Minutes of February 20, 2024

Stuart referred to page 9, Para 3 – the secretary looked for it but it ***couldn't*** be found because ...

Barron referred to page 5, para 6 – he would ~~not~~ need a Site Plan Review. (Had already been removed on the final copy)

Barron referred to page 7, Para 3 – While multiple discussions were taking place with Barron, ***the residents were*** speculating over what if he wants to add more docks.

Stuart referred to page 5, Para 5 - Mr. Randall say anything ***about*** a commercial endeavor

A **Motion** by Stuart to approve the Meeting Minutes of February 20, 2023 as amended. Barron seconded. No discussion. The Board initially went to vote to approve the minutes as amended but then realized they did not have a quorum once Fischbein and Ames abstained. Approval of the minutes have been tabled until there is an appropriate quorum.

**Informal Discussion:**

- Geoffrey Stiff of Spring Rd. Tax Map: 107 Lot: 052 is wanting to discuss an approved 1895 subdivision.

Enoch Stiff, brother of Geoffrey Stiff and Jared Stiff, son of Geoffrey Stiff were present to discuss the proposed plan for Geoffrey Stiff. Enoch Stiff explained how his great-grandfather conceived the idea for Roland Park and most of the houses there were constructed between 1890 – 1930. Enoch Stiff explained that his son and Jared Stiff recently bought a house in Roland Park and the transaction utilized the 1895 map and the deed for the property is tied to the 1895 map.

Enoch Stiff referred to an undeveloped road called Spring Drive on the 1895 map. In the early development of Roland Park Association, the original road called Circuit Rd. which is off Valley Rd. had an extension road called Spring Road drawn out on the 1895 map off Circuit Rd. But through the years, Spring Road was changed to Spring Drive at the request of Town. Spring Drive was surveyed and received a tax map and lot number but was never made a road or received classification of a road. Enoch Stiff stated according to the deeds for the Loftus' and Delaney's that the Stiff family will have the road constructed as mapped out as Spring Drive at no cost to the Loftus's and the Delaney's. Enoch Stiff stated if Spring Drive is not built it will create a problem for the properties currently listed on Spring Drive.

The latest deed in 1996, notes that the Stiff Family was going to put in a road at no cost but the Stiff Family would have absolute rights to use the road. The 1989 deed is oldest property that uses that address and is when the Town requested that Spring Road become Spring Drive. Discussion ensued over whether the 1895 map depicting Spring Drive supersedes today's laws or do today's laws supersede the 1895 map and Spring Drive would have to be subdivided and constructed because it's been 129 years since it was originally subdivided. Enoch Stiff confirmed that each of the 7 lots reference Spring Drive in their deeds. So according to the Stiff Family, they do not believe the Town would have allowed the lots to be sold knowing they were potentially land locked, so the Town must consider Spring Drive a road. Barron stated that back then there was no law on landlocking properties but there is a law now.

Review of the 1895 map surveyed by Nash and Hunter Civil Engineers of Boston Mass. Enoch Stiff stated there was another survey done 1989, and 1996 but no records could be found in the Freight House files. Fischbein hypothetically suggested adjusting the location of the road so as not to interfere with the abutters properties and create a buffer between the road and the other properties. Jared Stiff commented that would landlock all the other properties.

Stuart inquired if their intent is to just build the road. Enoch Stiff noted they need to build the road as an access to lot #52 owned by Geoffrey Stiff in order to build a house.

Barron suggested continuing the discussion to the next meeting in order for the Board to seek legal counsel. Chairman Cohen stated that with in the Board's packet of information is an email communication between Zoning Officer, Jonathan Smith and NH Municipal Association Attorney. Barron noted he must have missed that in his packet and ask what the short version was; was the attorney for or against?

Chairman Cohen read *"Given how long ago this parcel was subdivided, I think the better approach is to determine what approvals are needed now in order for this project to go forward. Under RSA 674:39, you could argue that any approvals issued back when the land was divided have expired and are now subject to the new regulations. If this person wants to build, they will need to seek a building permit, and part of that approval process will be for them to have proper frontage on a Class V or better road. I am assuming that back when the subdivision was approved, it included the provisions for a new road, but construction never completed and it was left as a "paper road". If this is the case, and now the applicant wants to construct the road in order to have proper frontage to construct, they will need to go back before the board for approval and the town can require the road to be built to certain specifications."*

Enoch Stiff commented that the transactions that took place in the 1990's are not represented in this summation. The Board suggested that they gather the records from the 1990's, provide a copy to the Planning Board so they can seek a legal opinion with all the information at hand instead of piece by piece. The Board suggested that the Stiff family seek a legal opinion as well.

#### Public Input:

Jennifer Delaney of 52 Roland Park Rd. and owner of Tax Map: 107 Lot: 051 on Spring Drive explained that her father bought Lot: 051 in 1990. The sole purpose of purchasing the land was to clear land to improve the view. Ms. Delaney stated that her father's understanding was that Spring Drive was a paper road and its approval has expired and it would remain a paper road. Ms. Delaney stated there was no promise of a road going in and knowing that the property was landlocked. Ms. Delaney stated they have no intention of wanting a road to go there or expecting a road to go there.

Ms. Delaney noted the deed states in part, "It is understood that road work on Circuit Road will be continued by the Stiff Family and the said work will be at no cost to grantee." Ms. Delaney commented to Enoch Stiff that he may be referencing Spring Rd. but the deed specifically states Circuit Rd, which is a different road that the Stiff family owns and not Spring Road that is jointly owned by the Stiff family and the Delaney family. Enoch Stiff noted the 1895 map refers to it as Circuit Road. But Ms. Delaney stated when the land was sold in 1990, it was sold as Spring Rd. and was marked as Spring Rd because that was the boundary between the two properties.

Since then, Circuit Rd and Spring Rd have joined as one road. The 1895 map references it as Spring Rd. but the deeds reference Circuit Rd. as the road that the Stiff family were responsible for. Multiple discussions ensued over alternate routes of access. Stuart inquired if this is a deeded easement right of way road. Ms. Delaney explained it's on the 1895 map but is also referenced in the deed.

Chairman Cohen called on Dallas Emery for public input.

Dallas Emery inquired if this was similar to a previous case with a right of way easement that had not been developed and is no longer valid but they could still use the plans because the Town had not notified them of the expiration. Fischbein noted that a certain amount of work had to be done. Barron agreed noting that it had to be posted for a certain period of time.

The secretary explained that they are confusing the laws. Planning Board approvals are valid for 2 years. Substantial land improvements needs to be done within that 2 year period. As long as there is continued progress, the owner has 5 years to complete the project. If no progress is made within the 5 years or they do not start the project within the 2 years. The secretary sends a letter from the Board and is publicly posted for 1 year, notifying the land owner and/or representing agent that the Planning Board project approval will be null and void.

Dallas Emery and Barron agreed. Emery noted that because the case was 20 years old they were able to continue because the Town had not notified them. Fishbein commented that is a fair statement of something that has happened in this Town in the past. But none of us here tonight are attorney's to determine if that law applies.

Jennifer Delaney noted from 1893 to 1969 if road were not accepted within 20 years, they expired. The RSA has been changed since then but Ms. Delaney believes that if the road has not been built it expires. Discussion over various accesses occurred between Jennifer Delaney and Jared Stiff.

Martin Delaney suggested moving the road.

Fischbein wanted to clarify; he originally thought the plan was to widen the road which is why he suggested moving the road the other way in order to not impact the property line. But now hearing the potential impact to the Delaney's; Fischbein inquired if they had read the email from the Zoning Officer, Jonathan Smith which states, " It looks like the stiffs need to go back to the PB for the subdivision from 1895 on Spring Drive. They have made no improvement or construction within 5 years as per the RSA." Fishbein noted in order for the Stiff family to build a road; they would first need a subdivision.

Enoch Stiff questioned what they would be subdividing because there's no properties changing. Fischbein inquired if they would entertain adjusting the road and Enoch Stiff noted he would consider adjust the location within reason.

Stuart noted there are requirements the road must meet to handle fire department apparatus. Discussion ensued over possible solutions of rerouting the road and building it to Town standards. Fischbein stated this indicates that the Stiff family will need surveying and engineering in order to construct the road. Stuart noted and Fischbein agreed that the real problem is that the road was never put in and now it's all grown in with trees.

Barron commented that the problems lies that the laws back then did not state the road had to be put in place, but current laws state you have to. But where the boundary lines are already established, the only part to be

surveyed would be where the road is going to be placed.

The secretary commented that would be a consultation with a surveyor. Stuart agreed.

Fischbein stated as a Board, the Board cannot make things non-conforming and referred back to the letter from the NHMA's attorney, which states, "Under RSA 674:39, you could argue that any approvals issued back when the land was divided have expired and are now subject to the new regulations." Fischbein asked if all the lots are conforming to current subdivision standards. Barron stated none of them are. Fischbein noted that's the opinion of the attorney.

Jared Stiff stated that those lots are no longer the teeny tiny lots. Fischbein stated according to the 1895 subdivision plan. Jared Stiff noted they are the same lines but there are several combined. Enoch Stiff stated that the tax people back in the 1990's came to the family members stating they cannot handle all these tiny lots and had them consolidate the properties. Jared Stiff noted that lots # 52, 54, 51, and 41, 49 and 50 were all transferred.

Stuart inquired if there are any deeds that reference the dimensions of the what the right of way was suppose to be. Enoch Stiff noted that Spring Road became it's own lot number of 56 and is listed to be 40 ft. wide.

Enoch Stiff proposed two questions to the attorney 1. Because the Town got involved in setting up this road; what influence does this have in terms of these regulations. Stuart inquired if they have the paperwork on when and what took place. Enoch Stiff believes the Town or the tax people will have it of when it took place. Barron stated the Board will need all that information. Enoch Stiff confirmed they would gather that information.

Enoch Stiff proposed his next question to the attorney, 2. If 2/3 of the road was put in and they decide to change the back third (1/3) of the road to meet the approval of Jennifer and Martin Delaney; would that require a whole new subdivision. Barron noted you can't because that whole thing is a subdivision and that would be millions of dollars. Fischbein noted according to the NHMA attorney the whole property needs to be resubdivided.

Enclosing, Fischbein commented that the information from the 1980's to 1990's is important for the Board to have especially if there was influence from the Town. The Board advised Enoch and Jared Stiff to seek their own legal opinion due to the complexity of the situation and since some lots have been sold, transferred ownership, have been merged or in the case of lot# 56 – Spring Road not being developed makes determining a course of action difficult. Discussion ensued over the verbiage in the deed referring to Circuit Rd. verses Spring Rd. the deed refers to Circuit Rd. but according to the Stiff family the Town changed the name to Spring Dr.

### **New Business:**

- **Case # 24-02-LM:** Applicant – Henry Gelinias & Gary Martischnig of 2175 Route 16. Tax Map: 018 Lot: 007 is seeking a Lot Merger with Henry Gelinias of 2145 Route 16. Tax Map: 018 Lot: 003 to become one lot of record under Tax Map: 018 Lot: 007.

The Board found no issues with the application.

A **Motion** by Fischbein to accept the application for Henry Gelinias & Gary Martischnig of 2175 Route 16. Tax Map: 018 Lot: 007 request for a Lot Merger with Henry Gelinias of 2145 Route 16. Tax Map: 018 Lot: 003 and to become one lot of record under Tax Map: 018 Lot: 007. Stuart seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed.**

A **Motion** by Fischbein to approve the Lot Merger for Henry Gelinias & Gary Martischnig of 2175 Route 16. Tax Map: 018 Lot: 007 with Henry Gelinias of 2145 Route 16. Tax Map: 018 Lot: 003 and to become one lot of record under Tax Map: 018 Lot: 007. Stuart seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed.**

- **Case #24-01-LM:** Applicant - JFJ Holdings, LLC for owner, CAFUA Realty Trust, CLXIX, LLC of 920 & 924 Route 16. Tax Map: 123 Lot: 022 and Lot: 023 is seeking a Lot Merger of Lot: 023 to become one lot of record under 924 Route 16 - Tax Map: 123 Lot: 022

The reviewed the application for completeness.

A **Motion** by Fischbein to accept the Lot Merger application as complete for **Case #24-01-LM:** Applicant - JFJ Holdings, LLC and owner, CAFUA Realty Trust, CLXIX, LLC to merge 920 & 924 Route 16. Tax Map: 123 Lot: 022 and Lot: 023 to become one lot of record under 924 Route 16 - Tax Map: 123 Lot: 022. B. Ames seconded. No further discussion. A unanimous vote was taken by a show of hands. **Motion passed.**

Discussion: Victoria Perez noted that the lot merger is a part of the Abbott Pines Association. By merging the two properties it will make a big impact on the pump house and well and some of the work required for the association. Victoria Perez is the secretary for Abbott Pines Association. The Association President and Victoria Perez have spoken with 4 of the 10 resident's located at 8, 9, and 10 Abbott Lane and 930 Route 16, who would have a concern with the project. Concerns for the reduction of association dues and its impact on the remaining 9 residents were expressed. Victoria Perez noted they own 930 Route 16 and they still pay into the association and share in the community well.

The Board agreed to put the Lot Merger application on hold until after Chris Tymula of GPI, LLC presented the plans for a Site Plan Review and Special Use Permit.

- **Case #24-01-SPR & Case #24-02-SUP:** Applicant - JFJ Holdings, LLC for owner, CAFUA Realty Trust, CLXIX, LLC of 924 Route 16. Tax Map: 123 Lot: 022 is seeking a Site Plan Review and a Special Use Permit to redeveloped the properties for the construction of an 1,848 sq. ft. quick service restaurant with drive-thru, associated parking and site improvements which include a new stormwater management system, utility connections, landscaping and new driveways configurations and ongoing permitting with NHDOT.
  - Receipt of Fire Chief's letter with conditions

Chris Tymula of GPI, LLC presented the proposed plan to construct a Quick Serve Restaurant at the location of 924 Route 16. Tax Map: 123 Lot: 022. The properties have been surveyed, the current two driveways noted, and the proposed new well separate from the associations well. Initially the plan is to demolish the existing buildings, driveways, and all utilities. The existing septic systems from both properties will be removed.

The proposed plan is for the construction of an 1,848 sq. ft. Dunkin Donuts quick service restaurant with drive-thru with a 10 car stack. There will be 24 parking spaces between the front and side of the structure. There is a full access driveway directly across from O'Reilly Auto Parts store and there will be a secondary access close to the intersection. The secondary access is vital as the point access for tractor trailers, dump trucks, and fire apparatus. They have had the Fire Chief review the plans and has offered some comments and suggestions of which they have no issues complying with.

Stuart inquired if the parking spaces are 9ft x 18 ft. Chris Tymula confirmed they are and Stuart noted that the spaces are not according to the new construction standards in the SPR Regulations and will require a waiver request for the Board to consider. There will be parking in the rear of the building for RV's or similar large vehicles. There is a loading zone area, dumpster in the rear of the building, snow storage area, free standing sign and down cast freestanding lighting. The plan shows the location of the NHDES approved well. There will be no overnight parking.

Per the zoning table; the plan shows an increase of pervious coverage. They're allowed to have 50% and they're allowed to increase that by 25% if they have an onsite stormwater management system as part of the gradient drainage plan.

Chris Tymula explained they are proposing a combination of an above ground and underground storm water

management system. The storm water management system has a deep sump catch basin; it has first defense hydrodynamic particular separator. There is an above ground drainage swale in the back with rain guardian turrets and ultimately an above ground infiltration system and the entire site has been designed to meet local and state requirements. They have a reduction in peak greater volume, and a reduction in peak greater run-off for all storm events for this area.

Stuart noted the rear greenspace area shows all the trees being removed to accommodate the stormwater management system. Stuart had done a drive by site visit and questioned, if all the trees needed to be removed or is there a way of creating a buffer zone between the business and the residential abutters that live in the Abbott Lane Association behind the proposed development on Abbott Lane. Chris Tymula acknowledged the concern and are cognizant of the residential area and will discuss with the contractor about preserving as many trees as possible.

Barron inquired of Victoria Perez, who confirmed that the association has rules. Barron inquired within the rules is there anything about what they're wanting to do. Victoria Perez commented that the rules are pretty vague/liberal. The rules don't address anything really being proposed aside from the storm water management system which will be caught in the catch basin will be good. Victoria Perez noted that the abutters of 8 and 10 Abbott Lane will be most affected by the tree cutting and may pose an issue. Stuart noted that he asked Chris Tymula the question about the trees and he answered. Stuart stated it's just trying to be a good neighbor and take all abutters concerns seriously. Victoria Perez agreed but also requested that some sort of barrier be place between the back of the business and the residential abutters.

Victoria Perez is going to submit a copy of the Abbott Lane Association rules for the Board to review for consideration in this particular case.

Dallas Emery requested to ask a question and the Chairman granted the request. Dallas Emery raised the issue of potential traffic concerns in this location traffic backing up along Route 16.

Fischbein stopped the discussion at this point to allow Chris Tymula to finish his presentation.

Chris Tymula continued noting on the utility plan the location of the proposed new well because of concerns of the existing well. A new permit application was file with NHDES and final testing remains to be completed. But it was felt excluding the association's fee etc.... they felt it was better to have the well come off the associations system.

Chris Tymula noted in addition to the new well, there is a design for a new septic system that will be filed with NHDES in accordance to their standards. Chris Tymula explained the erosion and sediment control plan that will take place during construction. Chris Tymula noted there will be swift inspections due to utilizing erosion control blankets along the swales and ensure the sediment controls stay in place in the event of a storm during construction. After construction there is also a long term maintenance plan to manage the storm water management system.

Chris Tymula discussed the landscape plan which will include low growth plants in the front to maintain visibility to the store, a few trees scattered around the site, the remaining areas that is not pavement, curbing or walkways will have low growth plantings, loam, seed or landscaped. Chris Tymula noted that the full site plan covers down cast lighting, landscaping, signage, colors, and will comply with Town zoning and sign ordinances.

Chris Tymula introduced Bob Bollinger of GPI, LLC – Traffic Division, who have had preliminary meetings with NHDOT that included a pre-scoping meeting, a formal scoping meeting. Bob Bollinger wrote a letter to the Town identifying the history of the project, and they stand to date with NHDOT and permit is pending.

Board discussion:

Fischbein inquired as to the number of cars queued for on the previous owners original plan, not on this proposed plan. Chris Tymula noted the previous plan was sub-standard but the proposed plan is capable of stacking 14 vehicles but it's self-regulating because if the queue is long most people will either go inside or

travel to the next place. Chris Tymula noted they are still working with NHDOT. Fischbein raised concerns about the busy intersections along Route 16 almost blocking Duncan Lake Rd. and the potential is there to be blocking a lighted intersection.

Fischbein and Stuart addressed the undersize parking spaces. SPR regulations page 25 - Section 8.01.2 (6a) which states: “**(6) Dimensions of Parking Areas: (a.) Dimensions of Each Space.** Each off-street parking space shall measure a minimum of ten (10) feet in width by twenty (20) feet in length for new construction. Larger parking space dimensions shall be permitted.” Chris Tymula acknowledged that he missed that requirement but being cognizant of the rear setback, Chris Tymula noted there is plenty of space to accommodate the 10 ft. width space but he would request a waiver to reduce the 20 ft. length down to 18ft. in length. Stuart acknowledge they meet the standard for the runway behind the building for the travel aisle. Fischbein inquired about the number of seats inside the store. Chris Tymula noted it’s slotted for 16 seats with another 16 outside in the patio area. Total accommodations for parking is 24 spaces.

Stuart addressed that the proposed plan does not accommodate to standards for handicap parking per SPR regulations page 22 - Section 8.01.2 “**(6) Dimensions of Parking Areas: (6c) Handicapped Parking: Handicapped Parking.** Parking for physically handicapped persons shall measure twelve (12) feet in width and twenty (20) feet in length. Two (2) eight- (8) foot wide spaces separated by a four- (4) foot wide center, striped aisle may be used as an alternative.” Discussion ensued over accommodating the required dimensions. After discussion Chris Tymula stated that instead of requesting a waiver for relief from the 12 ft. wide required parking space, he is going to change the design from 8ft. space with an 8 ft. aisle to a 12 ft. wide space with a 4 ft. aisle.

Discussion turned to the (6) angle parking spaces on the north side that are 10 ft. wide by 20 ft. length with a 30° angle and is 20 ft. from the patio curbing. Stuart and Fischbein determined these spaces are okay and would require a waiver.

Bob Bollinger gave a summary of the preliminary traffic study GPI, LLC performed. Discussion with NHDOT began before Christmas last year and a formal scoping meeting with NHDOT in late January this year. NHDOT is requiring the study take place during standard peak hours in the morning, early evening and a Saturday. A signal study will also be done on Route 16 and Route 28 to see what impacts they will have on this location. NHDOT will specifically ask them to look at the anticipated queue around the site and they will provide data to these findings. Bob Billinger believes this proposed plan complies with industry standards as well as having additional space for overflow. The traffic study is anticipated to be complete within the next week or two and an initial letter was included in the packet but a final report will be submitted when completed.

Dallas Emery commented that it sound like the project is not quite there with the traffic study not completed and what impact that will have on the area. Bob Billinger stated that NHDOT is fully aware that this store is going to be a Dunkin Donuts, which why NHDOT is asking them to take a look at the traffic operations external on Route 16 proper but also within the site.

Dallas Emery inquired if the EV Charging Station business has been factored into the traffic study. Because this whole area is a heavy traffic area. Discussion ensued over the amount of traffic in this area especially in the summer months. Dallas Emery has serious concerns with people walking trying to cross the intersections, drivers coming around corners, pulling out of driveways and side streets, and people sitting in traffic and on the side of the road. Dallas Emery confirmed he has no problem with business coming into the area, it’s just this location is getting dense and it’s raising concerns.

Bob Billinger noted they do anticipate some ambient background growth rate. The state requires an opening year analysis and a ten year horizon, which GPI, LLC complies with. Dunkin Donuts is the type of business that does not draw new traffic but 50 – 55% of their traffic is drawn from the existing traffic passing through on Route 16.

Discussion ensued over the days and time of day the traffic study is performed. The Board explained that a week day and a Saturday is not realistic to this area and a Friday and Sunday are the peak days and would be more realistic data for this area. Fischbein inquired if there’s a way to test those high volume days. Bob

Billinger explained how the state looks at peak times for traffic studies. The state requires for them to adjust for a peak month condition and in this case it was found that August is the peak month. Discussion ensued. Fischbein inquired if at the 1-year cycle to analysis the traffic or 10-year horizon and its determined to have a problem; is there a contingency plan in place that has worked in other projects. Bob Billinger noted that because the proposed project is close to an lighted intersection adjustments could be made to the signal timings, road widening and geometric configuration have already been made at this particular intersection. But this is typical of what can be do and hopefully will be completed in a week or two. Bob Billinger will come back when he has the final figures to present to the Board.

Chairman Cohen inquired and Chris Tymula confirmed, they have spoken with the Fire Chief and have received a letter from him.

Stuart questioned without the associations By-Laws; he did not believe it would affect moving forward with the Lot Merger and accepting the application as complete with the exceptions of the waiver request.

Fischbein raised the point that the Board members hearing the case tonight will not be the same members who may eventually approve the site plan review because of the annual elections taking place in a week.

The Board reviewed and discussed the application and proposed waivers. Fischbein noted the Board cannot give final approval because the Fire Chief's letter is suggesting requirements to be made. Chris Tymula stated that his conversation with the Fire Chief over the access driveway closest to the lights is purely from a logistics point of view to get the larger vehicles in and out of the site. Fire apparatus can maneuver in and around the site with no problems. The north end driveway will not be used for larger vehicles and they are in conversations with NHDOT over this issue. Chris Tymula explained how the vehicle traffic will flow at this site.

Fischbein stated that the Board would need a final letter from the Fire Chief stating that all concerns and suggestions have been met. Fischbein noted they're pending NHDOT curb cut permit and inquired if the Board gave a conditional approval; can the incoming Board members be able to grant final approval. Other Board member confirmed they can.

Stuart noted the waivers for the standard parking spaces, handicap parking space, and meeting the Fire Chief's conditions noted in his letter. Conditions will include the receipt of the Fire Chief's final letter.

Discussion ensued over meeting the requirements for the ADA parking space. Chris Tymula stated he can make the changes on the plans and it can be a condition but he did not believe they needed a waiver for relief of this requirement. After discussion Chris Tymula and the Board agreed the handicap parking space will be changed to 12 ft. wide, the regular parking spaces will become 10 ft. wide and one waiver request will be submitted for the 18 ft. length for all parking spaces instead of the regulation standard of 20 ft. long.

Dallas Emery inquired if there are any fire requirements for a sprinkler or fire hydrant. Fischbein noted that because it's under 10,000 sq. ft. it's not required.

The Board discussed needing to see the associations by-laws before they render a final decision. Barron stated because they have to take it into consideration. But the secretary interjected stating that it's not law. The Board has always required a letter of authorization from an association stating the project is acceptable, but it's not law. It's something the Board has always asked for but it's not law and there is no ordinance stating a requirement. Chairman Cohen stated this is a discussion between the association and the property owner.

Victoria Perez brought forth a question from the association pertaining to the association fees for the two properties and now with the lot merger there will only be one fee. The Board and Chris Tymula stated that's a private matter between the association and the property owner.

At this point, Chris Tymula hand wrote a waiver request asking for relief from the length of the parking spaces to be reduce from 20 ft. length to 18 ft. per Section 8.01.2.B (6a) parking space dimension required from NHDOT and SPR Regulations.

The Board returned to lot merger.

A **Motion** by Fischbein to approve the Lot Merger for **Case #24-01-LM**: Applicant - JFJ Holdings, LLC and owner, CAFUA Realty Trust, CLXIX, LLC to merge 920 & 924 Route 16. Tax Map: 123 Lot: 022 and Lot: 023 to become one lot of record under 924 Route 16 - Tax Map: 123 Lot: 022. Barron seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed.**

Victoria Perez left the meeting but stated she would get a copy of the associations by-laws for the Board to review.

Fischbein requested to leave the meeting at 9:14 pm. Chairman Cohen granted the request.

The Board moved forward with the waiver request. Chairman Cohen read the request into record.

Waivers Requested:

Section 8.01.2 B: **Off-Street Parking and Loading**: Curb cut for state road, required from NHDOT

### **B. Requirements and Performance Standards**

#### **6. Dimensions of Parking Areas**

- a. **Dimensions of Each Space.** Each off-street parking space shall measure a minimum of ten (10) feet in width by twenty (20) feet in length for new construction. Larger parking space dimensions shall be permitted.

A **Motion** by Stuart to accept the waiver request for relief from the length of the parking spaces to be reduce from 20 ft. to 18 ft. in length per Section 8.01.2.B (6a) Parking Space Dimensions requirements SPR Regulations. Barron seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed.**

A **Motion** by Cohen to accept the application as complete for **Case #24-01-SPR & Case #24-02-SUP**: Applicant - JFJ Holdings, LLC for owner, CAFUA Realty Trust, CLXIX, LLC of 924 Route 16. Tax Map: 123 Lot: 022 request for a Site Plan Review and a Special Use Permit. Barron seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed.**

A **Motion** by Stuart for **Case #24-02-SUP**: Applicant - JFJ Holdings, LLC for owner, CAFUA Realty Trust, CLXIX, LLC of 924 Route 16. Tax Map: 123 Lot: 022 to approve a Special Use Permit to construct a Quick Service Restaurant in the Water Resource Protection District. Barron seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed.**

A **Motion** by Cohen for **Case #24-01-SPR & Case #24-02-SUP**: Applicant - JFJ Holdings, LLC for owner, CAFUA Realty Trust, CLXIX, LLC of 924 Route 16. Tax Map: 123 Lot: 022 to **Conditionally Approve a Site Plan Review with a Special Use Permit** to construct a Quick Service Restaurant in the Water Resource Protection District. Pending the receipt of the following conditions:

1. Fire Chief's Final letter of approval with Fire Chief's conditions met.
2. NHDES Septic System Approval
3. Revised plan showing Parking Spaces length of 18 ft. per and 10 ft wide parking spaces.
4. Revised plan showing ADA parking per Town specifications.
5. NHDOT Curb Cut approval
6. Completed Traffic Analysis
7. Victoria Perez is to supply a copy of the Associations Rules to GPT, LLC and to the Planning Board

Barron seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed.**

***"A Conditional Approval is considered temporary approval until the pending documentation is received. Once the documentation is submitted to the secretary of Boards & Commission, it will be***

*presented to the Board at the next General Meeting and final approval will be decided. A final notification letter will be sent to you within 5 business days notifying you of the Boards decision. Documentation may be submitted at the Ossipee Town Hall – Selectmen’s Office or by mail to: Town of Ossipee, Planning Board, PO Box 67, 55 Main Street, Center Ossipee, NH, 03814”*

**Unsatisfied Conditions:**

- **Case #23-04-SUBD:** The Neal Family Trust of Twin Cottage Lane off Blake Hill Rd is Granted a Conditional Subdivision for a (3) lot subdivision.
  1. NH State Subdivision approval for Lots 1 & 2 for being less than 5 acres. Received 02/28/2024
  2. Receipt of Mylar Plan for recording – Received on 02/29/2024

Chairman Cohen acknowledge receipt of the state subdivision approval and receipt of the final mylar plan for recording with CCRD.

A **Motion** by Barron for **Case #23-04-SUBD:** The Neal Family Trust of Twin Cottage Lane off Blake Hill Rd. to remove the conditions from the list of Unsatisfied Conditions. B. Ames seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed.**

A **Motion** by Cohen for **Case #23-04-SUBD:** The Neal Family Trust of Twin Cottage Lane off Blake Hill Rd. is Granted a Final Subdivision Approval for a (3) lot subdivision. B. Ames seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed.**

**Unfinished Business:**

- **Master Plan:** Housing Chapter Discussion continues...

Stuart conveyed to the Board that he will be working Carol Ogilvie on moving forward with completing two more chapters to include the Vision and Land Use chapters.

**Notices:** Chairman Cohen read the description of the following NHDES application. The Board had no concerns or issues with the following notices or applications.

- **Effingham ZBA:** Notice of Public Hearing on March 6<sup>th</sup>, 2024 at 7:00 pm at the Effingham Town Hall Meeting Room.

- **NHDES File # NHB23-3639:** Standard Dredge & Fill - Wetlands Permit Application for Kevin and Deborah Randall at 50 Leavitt Rd. Tax Map: 033 Lot: 006 are proposing to install 5 docks (6ft. x 40ft.) on the Southside of Loon Island, Tax Map: 032 Lot: 013. Received updated photos of the island.

- **NHDES LMR # 2021-00326:** Standard Dredge & Fill - Wetlands Permit Application for previous land owner: Van Hertel and current owner: Robert Woods for 11 Connor Pond Rd. Tax Map: 061 Lot: 006 for a proposed after-the-fact impacts as part of an on-going wetlands restoration. The project proposes 4 after-the-fact wetland crossings for the construction of an access road/driveway from Connor Pond to access the buildable portion of the property.

- **NHDES:** Standard Dredge & Fill - Wetlands Permit Application for Northgate Ossipee, LLC, 110 Nichols Rd. Tax Map: 029 Lot: 001. Project proposes armoring two areas of the Ossipee Lake shoreline at Westward Shores Cottages & RV Resort in Ossipee. The first area in the Point, which includes the campground marina and boat launch. The area is seeing erosion along the south and east shoreline. The second area is the Cove. The area has experienced flowing flood waters off the Bearcamp River that have eroded the north bank, causing loss of land and potential loss of campsites if not corrected.

**Any Other Business Which May Come Before This Meeting:**

Chairman Cohen wanted to thank Roy Barron for serving 18 years on the Planning Board with his knowledge.

Chairman Cohen also thanked Bruce Stuart for being the best partner on the Board. He will be sorely missed by all members and was invited back anytime. Chairman Cohen asked him to come back as an alternate. Stuart is going to think about it.

Barron stated he wanted to thank Board for the past 18 years and I really enjoyed it.

Stuart stated he wanted to thank everyone on the Board and the audience (Dallas Emery). I enjoyed working with everybody on the Board and have learned a lot over the last 5-years. He thanked Sharie for her stability, even keeled ness and how much we all rely on Laura (secretary) in times when we need some guidance and it's very much appreciated. He concluded stating that, "I appreciate everybody and the time spent working here."

**Next Meeting: March 19, 2024: @ 7:00 pm at the Freight House**

**NHMA Zoning Ordinance Deadlines:**

- **Tuesday, March 12, 2024:** Town Elections at the Town Hall Bud Avery Memorial Gymnasium.
- **Wednesday, March 13, 2024:** Town Meeting at the Town Hall Bud Avery Memorial Gymnasium.

Chairman Sharon "Sharie" Cohen called for any other business. None heard.

Chairman Sharon "Sharie" Cohen called for a motion to adjourn.

**Adjournment:**

A **Motion** by R. Barron to adjourn. B. Stuart seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed.**

**Meeting adjourned** at 9:27 PM.

Minutes approved by majority vote of the Board on –

\_\_\_\_\_  
Date

\_\_\_\_\_  
Sharon "Sharie" Cohen, Chairman  
Ossipee Planning Board

\_\_\_\_\_  
Bruce Stuart, Vice - Chairman  
Ossipee Planning Board