

**OSSIPEE PLANNING BOARD
MEETING MINUTES
November 19, 2019**

Minutes have been recorded to be summarized by Laura Nash, Planning Board Secretary; any amendments to the minutes are noted in *bold & italic* type.

REGULAR PUBLIC MEETING

Call to Order: Connie Billings called the meeting to order at 7: 00 PM.

Pledge of Allegiance: was recited by all in attendance.

PB Attendance by Roll Call: – Connie Billings, Roy Barron, Bruce Stuart, Tíme Otterbach, Sharon “Sharie” Cohen, Alternate- Krystal Eldridge and Steve McConarty.

Absent: Peter Zavas, and Sue Simpson (Select. Rep)

Chairman Billings raised Alternate - Krystal Eldridge up to voting status in place of Peter Zavas.

Public Input: Billings called for public input unrelated to any case being presented. None was heard.

Meeting Minutes: Review to approve Meeting Minutes of 11/5/2019.

A **Motion** by Billings to approve the minutes of the November 5, 2019 Planning Board meeting as submitted. Otterbach seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed.**

Financial:

- Budget Report: 10/01/2019 – 10/31/2019 was reviewed and noted have 51% remaining.
- Sager and Smith, PLLC invoice in the amount of \$25.00 for Closure of Morse (gravel pit) Account.

A **Motion** by Billings to approve the expense in the amount of \$25.00 to Sager & Smith, PLLC for the Closure of Morse (gravel pit) Account. Otterbach seconded. No discussion. A unanimous vote was taken by show of hands.

Informal Discussion:

- McConkey & Associates seeking guidance on Frank Varney property plans. Not presented.

Unfinished Business:

Gravel Pits: (Status Quo)

New Business:

PUBLIC HEARING

- **Case #19-3-BLA:** Duane & Pammy Berry of 168 Dorrs Corner Rd. Tax Map: 227 Lot: 021 and Ernest Berry of 172, and 176 Dorrs Corner Rd. Tax Map: 231 Lot: 022 & 023

Representing agent James Rines of White Mountain Survey & Engineering, Inc, start his presentation until Billings interrupted in order to accept the application as complete.

A **Motion** by Barron to accept the application as complete. Otterbach seconded. No discussion. A unanimous vote was taken by show of hands.

Rines continued to present the two boundary line adjustments orientations per plan dated 11/19/2019. Ernest Berry's parcel (Area B) Tax Map: 231 Lot: 023 is 176 Dorrs Corner Rd. is 1.38 acres in size with 228.57 ft. of frontage will increase to 5.02 acres, as a result all structures will be on the residential parcel. Duane & Pammy's parcel (Area A) Tax Map: 227 Lot: 021 is 168 Dorrs Corner Rd. is 2.7 acres with 140 ft. of frontage will increase to 5.80 acres and Tax Map: 231 Lot: 022 is 172 Dorrs Corner Rd.

Billings preferred to address each boundary line adjustments and the subdivision individually starting with Duane & Pammy Berry's parcel.

A **Motion** by Billings to address each boundary line adjustments separately. Otterbach seconded. No discussion. A unanimous vote was taken by show of hands.

Rines continued with Duane & Pammy's boundary line adjustments parcel (Area A) Tax Map: 227 Lot: 021 of 168 Dorrs Corner Rd. is 2.7 acres with no change in the 140 ft. of frontage will increase to 5.80 acres by adding 3.11 acres to the back field.

The second boundary line adjustment is for Ernest Berry's parcel of 176 Dorrs Corner Rd shown on the plans as (Area B) Tax Map: 231 Lot: 023 and Tax Map: 231 Lot: 022, is 1.38 acres in size with 228.57 ft. of frontage will increase to 5.02 acres, and as a result all structures will be on this residential parcel.

Billings called for public input.

Jason Weaver of 166 Dorrs Corner Rd. had concerns about a road on the subdivision plans. Billings commented that the subdivision is not being addressed at this time and to hold onto his questions.

Derek McDormand of 174 Dorrs Corner Rd. contested the boundary line recordings from Jim Rines and White Mountain Survey & Engineering, Inc, not matching the deeds. He claims his boundary line is about 100 ft. to the west of what the current plan is showing. He claims this portion is marked by a stone wall that has been knocked down, removed and taken by Ernest Berry. He referenced several documents in his possession and is adamant this portion of land had been taken from him and his family.

Otterbach questioned Rines if he used all deeds as referenced for determining the boundaries. Rines confirmed all deeds of the surrounding abutters were used to determine the boundary lines as shown. Rines explained his office had met with McDormand a couple years ago and reviewed the boundary markings but have been unable to convince him the recordings are correct. Discussion ensued.

Rines explained when performing boundary reconstruction by law; original monuments hold over everything else. Discussion continued.

Lorraine Dobson of Wolfeboro and former owner of 174 Dorrs Corner Rd. Ms. Dobson stated she's lived here for 30 years and stone walls have always marked property lines. No one is to touch, remove or destroy the stone walls because it's a federal offence to do so. She had walked the entire property with Anson Smith, and he pointed out that the stone wall marks her property lines. Lorraine Dobson stated she believes Ernest Berry and Jim Rines keep taking her property. She referenced at least two occasions when Ernest Berry' has tried to take more of her and now her sons land. She pleaded with the Board to look into the situation because something has to be done to stop Ernest Berry from taking more land. She stated the property in question used to be 1.2 acres and has decreased over the years to .86 acres to .8 acres and now wanting to decrease it down to .6 acres. She stated she will hire a lawyer again to get her property back if that's what it takes.

Barron suggested continuing the case to another meeting giving Lorraine Dobson time to consult with her lawyer and gather further information.

Point of Order from Tim Otterbach stating that Lorraine Dobson is not a current abutter.

Billings stated that we as a Board has not seen a survey to dispute Jim Rines and White Mountains S&E, Inc, survey. The Board can only review and render a decision based on the information brought before the Board. Otterbach noted that Jim Rines and White Mountains S&E, Inc, survey reflect the current

deeds. So, if there is problem with the deeds it is the burden of the adjacent abutters to either confirm or deny the deed are correct.

Lorraine Dobson asked Jim Rines and White Mountains S&E, Inc, for the land to be put back from stone wall to stone wall claiming it's an undocumented piece of land. Rines denied he ever said it was an undocumented piece of land. The survey reflects what is listed on the deeds. Discussion ensued.

Billings ended the discussion and asked Lorraine Dobson to sit down.

Jason Weaver also stated he believes there is discrepancy between what is marked for boundary lines versus the deeds. Weaver also requested the Board to continue the case so that he and McDormand do not have to fight it out in court and has requested another surveyor to review the property lines. Billings asked if he is disputing the boundary line between Duane Berry's and his own property line. Weaver confirmed yes.

Duane Berry spoke to Lorraine Dobson stating he measured the property with her, and the state made the road wider. By doing so they all lost land. Discussion ensued.

Rines explained they are not altering the boundary line between Duane Berry and Jason Weaver's property. The boundary line adjustment is between Duane Berry's and Ernest Berry's property shown on the plans as Area A.

Jennifer Weaver stated they are not here to dispute but to make sure there is accurate information being presented. She noted their property was measured by Boomer and it does not match the Town maps.

Billings commented that Town maps are not always correct. Weaver, Dobson and McDormand requested more time to gather their information. Otterbach informed them if there is a discrepancy, they will have to hire a surveyor to survey their properties on their own. Discussion continued.

A **Motion** by Otterbach to accept **Case #19-3-BLA** between Duane & Pammy's parcel (Area A) Tax Map: 227 Lot: 021 of 168 Dorrs Corner Rd. with 2.7 acres and 140 ft. of frontage will increase to 5.80 acres and Tax Map: 231 Lot: 023 is 172 Dorrs Corner Rd. as proposed per plot plan date 11/19/2019. No discussion. A unanimous vote was taken by show of hands. **Motion passed.**

- **Case #19-3-BLA:** Ernest Berry's parcel of 176 Dorrs Corner Rd shown on the plans as (Area B) Tax Map: 231 Lot: 023 and Tax Map: 231 Lot: 022, 172 Dorrs Corner Rd, is 1.38 acres in size with 228.57 ft. of frontage will increase to 5.02 acres, and as a result all structures will be on this residential parcel.

Rines presented the plans for the boundary line adjustment point out where the markers will be located. The Board had no questions.

Public Input:

Bill May came and reviewed the plans up close while Rines showed him how it would not affect his property.

Billings called for a motion on the boundary line adjustment.

A **Motion** by Otterbach to accept **Case #19-3-BLA:** Ernest Berry's parcel of 176 Dorrs Corner Rd shown on the plans as (Area B) Tax Map: 231 Lot: 023 and Tax Map: 231 Lot: 022 to increase the lot to 5.02 acres.

Point of Order from Jim Rines asking the chairman about opening up discussion to the public input. Billings responded he did open public input.

Derek McDormand claims the stone wall to the west of the boundary is part of his property that was altered and decimated by Ernest Berry. He claims to have shown the Board more than enough evidence

to support his claim. Billings stated he has not provided documents from a licensed surveyor to support his claim. Discussion ensued.

Otterbach restated his motion.

A **Motion** by Otterbach to accept **Case #19-3-BLA:** Ernest Berry's parcel of 176 Dorrs Corner Rd shown on the plans as (Area B) between Tax Map: 231 Lot: 023 and Tax Map: 231 Lot: 022 thus increasing Tax Map: 231 Lot: 023 to 5.02 acres. Billings seconded. No discussion. A unanimous vote was taken by show of hands. **Motion passed.**

- **Case #19-3-SUBD:** Ernest Berry of 176 Dorrs Corner Rd. Tax Map: 231 Lot: 022 is looking to subdivide the remaining pit lot into 4 - lots. Requesting waivers from
 1. Section 12 – to eliminate the for designing the road profile for the platted right-of-way to serve the pit.
 2. Section 9.05.P – requirement to show wetlands or other significant natural and man-made features within 200 feet of the subdivision boundary lines.
 3. Waiver – from Subdivision application requirements of Submitting a copy of final plans to electric company.

Rines presented the proposed subdivision of four lots. Duane & Pammy Berry's lot (Area A) Tax Map: 227 Lot: 021 after the boundary line adjustment will increase to 5.80 acres. Ernest Berry's lot Tax Map: 231 Lot: 023 (Area B) after the boundary line adjustment will increase to 36.4 acres. Lot: 1 will be 6.71 acres with 727 ft. of frontage of Dorrs Corner Rd. Lot: 2 will be 5.88 acres with have 336 ft. of frontage on Dorrs Corner Rd. and are proposing to plat a 50 ft. right of way to the existing road to the pit and wood processing area. The road will be called Eva's Way. Lot: 2 in addition to the 336.16 ft. of road frontage it will also have 881.93 ft. of frontage on Eva's Way. Lot: 3 will be 15.36 acres with 872 ft. of frontage on Eva's Way. The remaining land will have 200.68 ft. on Eva's Way and 92.75 acres. Eva's Way is 1.33 acres is plated and provides frontage to the back lands. All parcels are greater than 5 acres, so no state approval is required. Test pits were performed and identified a wetlands area in lot 2. The following waivers are requested:

1. Section 12 – to eliminate the requirement for designing the road profile for the platted right-of-way to serve the pit.
2. Section 9.05.P – requirement to show wetlands or other significant natural and man-made features within 200 feet of the subdivision boundary lines.
3. Waiver – from Subdivision application requirements of Submitting a copy of final plans to electric company.

A letter was submitted to the Fire Chief on October 28, 2019 requesting him to send a letter it has not been received as of this date. Rines requested at least a conditional approval pending the Fire Chief's letter.

Billings asked if Eva's Way is being used as frontage to the gravel pit. Discussion over whether Eva's Way would be a right of way or a private road. Rines explained it will be platted right of way and will be deeded parcel as a part of the subdivision.

A **Motion** by Otterbach to accept a Waiver request from Section 12 – to eliminate the requirement for the vertical geometric standards for designing the road profile for the platted deeded right of way to serve the pit. Barron seconded. No discussion. A unanimous vote was taken by show of hands. **Motion passed.**

A **Motion** by Otterbach to accept a Waiver request from Section 9.05.P – requirement to show wetlands or other significant natural and man-made features within 200 feet of the subdivision boundary lines. Barron seconded. No discussion. A unanimous vote was taken by show of hands. **Motion passed.**

A **Motion** by Otterbach to approve **Case #19-3-SUBD**: Ernest Berry of 176 Dorrs Corner Rd. Tax Map: 231 Lot: 022 for the 4 – Lot Subdivision with the deeded right of way road known as Eva’s Way per plans dated 11/19/2019 along with the two waivers with the following conditions:

1. Fire Chief’s letter of approval
2. All Federal, State and Local Regulations shall be followed.

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

Billings announced the motion passed and *Noted: The Selectmen, any party to the action or any person directly affected has a right to appeal this decision within 30 days. To avoid lapsing of the approval, there should be substantial construction or liability within 2 years of the decision. See New Hampshire Revised Statutes Annotated, Chapter 677, available at the Ossipee Town Hall.*

Unsatisfied Conditions: (continued from previous PB Mtgs):

- See separate sheet with details. (No updates)

Billings requested updates from Steve McConarty, Zoning Enforcement Office on Valley Point & the Marina, Verizon Store, Dawson Excavation & Laundry Mat, Pearson and Kevin Discount concerning outstanding conditions. Billings wants McConarty and the Board of Selectmen to start enforcing and pull their permits or issue Cease & Desist.

Job Opportunities:

- Matthew T. Sawyer, Jr. has been hired as the new Town Administrator starting December 2, 2019
- Part Time - Zoning Enforcement Officer - **Applications due by November 20 at 1:00pm.**
- Superintendent of Works – **Applications due by December 4, 2019 at Noon.**

Any Other Business Which May Come Before This Meeting:

Adjournment:

A **Motion** by Barron to adjourn. Stuart seconded. No discussion. A unanimous vote was taken. **Motion passed.**

Meeting adjourned at 8:47 pm.

Next Meeting & Public Hearing: **December 3, 2019 @ 7:00 pm**

Minutes approved by majority vote of the Board on – _____

Date

Condict (Connie) Billings, Chairman

PB Mtg. Minutes: November 19, 2019
PB Approved: 12/03/2019