

**OSSIPEE PLANNING BOARD
MEETING MINUTES
November 7, 2017**

Minutes recorded by and transcribed by Laura Nash, Planning Board Secretary, amendments are noted by ***bold/italic*** type.

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

Pledge of Allegiance: was recited

Attendance by Roll Call: – Connie Billings-Chairman, Roy Barron-Vice Chair, Sandra “Sam” Martin - Selectmen’s Rep., Dennis Legendre, ***Rick St. Jean***, and Steve McConarty (ZEO).

Tardy: Peter Zavas arrived at 7:02 pm. **Absent:** Tim Otterbach.

Billings raised St. Jean to voting status in replacement for Otterbach.

Meeting Minutes: the Meeting Minutes from 10/17/2017 were reviewed.

A **Motion** by Barron to approve the minutes of 10/17/2017 Planning Board meeting. Martin seconded. No further discussion. Gillette Abstained. All others voted in favor by show of hands.

Zavas arrived at 7:02 PM.

Financial:

- Budget Report – October 2017
- Sager & Smith, PLLC – Planning Board v. Morse (gravel pit) - \$6,874.25 – September 2017 statement
- Sager & Smith, PLLC – Invoice dated 09/30/2017 received for Planning Board regarding General Matters in the amount of \$437.50.

A **Motion** by Barron to approve payment to Sager & Smith, LLC in the amount of \$437.50 for General Matters. Gillette seconded. No further discussion. A unanimous vote in favor by show of hands.

- LRPC – Order/Invoice dated 10/24/2017 for 2017 – 2018 Edition of NH Planning and Land Use Regulation books in the amount of \$92.50. Books due to arrive sometime in January 2018.

A **Motion** by Billings to approve payment to Lakes Region Planning Commission in the amount of \$92.50 for 2017 – 2018 Edition of NH Planning and Land Use Regulation books. Barron seconded. No further discussion. A unanimous vote in favor by show of hands.

Unsatisfied Conditions: (continued from previous PB Mtgs):

- See separate sheet with details all items are status quo.
- **Case # 17 – 6 – SPR:** Kindness Animal Hospital, owner Dr. Lindsay Lord. 5 Water Village Road. Tax Map: 132 Lot: 041 received Conditional Site Plan Approval pending revised plot plans.

Billings acknowledged receipt of revised plans. The Board reviewed the plans.

A **Motion** by Billings to grant final Site Plan Review approval to Lindsay Lord c/o Kindness Animal

Hospital. Barron seconded. No further discussion. A unanimous vote in favor by show of hands.

Informal Discussion:

- Dawson Equipment has purchased 80 Route 16B (Old Dry Cleaners/Laundry Mat). Tax Map: 93 Lot: 015. Is to present conceptual plans for the structure and property.

Mr. Dawson had not arrived at the time he was called up by the Board, so Chairman Billings noted the Board would come back to this discussion.

New Business:

- **Case # 17-10-SPR:** Ossipee Granite Recovery, LLC, c/o agent: RJB Engineering, LLC for owner 56 Main St. Ossipee, LLC. Tax Map: 92 Lot: 122 is seeking a SPR to open Ossipee Transition House an Addiction Recovery Center.
 - **Waiver Request:** from Section 8.01.2 for parking requirements.

Eric Spofford informed the Board that their engineer/agent was not here yet and asked if the Board could come back to them. The Board agreed.

Old Business:

- **LRPC:** PB to appointment a second member, replacing Rick St. Jean.

A **Motion** by Martin to appoint Roy Barron as the second member to represent the Town of Ossipee on the Lakes Region Planning Commission. St. Jean seconded. No discussion. A unanimous vote was taken by show of hands.

- **Morse Pit discussion** – Pending legal process.

- **Projects 2017:**

1. **Zoning Ordinance Revisions:** McConarty had computer issues and is getting a new computer, so was able to write the revised wording. McConarty said he will have it for the next meeting on November 21, 2017.
 - a. 4.9 – pending revised wording from Steve McConarty
 - b. 24.1.1 - pending revised wording from Steve McConarty
 - c. **Accessory Building:** pending revised wording from Steve McConarty
2. **Revision to Site Plan Regulations:** Planning Board reviewed.
 - a. SPR Amendments to determine square footage limits before a building permit vs. a SPR – Amendment is required. Board addressed later in the meeting.

A **Motion** by Billings to hold a public hearing on November 21, 2017 on adopting the revised Site Plan Review Regulations. Barron seconded. No discussion. A unanimous vote was taken by show of hands.

3. **Revision to Waiver Request for Subd/SPR:** Planning Board reviewed. Martin requested the lines for writing be extended out to the margins.

A **Motion** by Billings to accept the revisions to the Waiver Request for Subd/SPR Barron seconded. No discussion. A unanimous vote was taken by show of hands.

Gillette asked if the Board could start the discussion about Granite Recovery Center. Billings informed Gillette no discussion can occur without the applicant and/or representative present. Board discussion ensued.

Point of Order Called by Ed Comeau informing the Board to speak louder the people in the audience could not hear the Board's discussions.

Billings restated no application will be discussed without the applicant and/or representative present.

McConarty asked if Site Plan Review plans need an engineer or surveyors' stamp. Billings replied no. McConarty if an applicant could do their own plans. Billings replied yes.

Jake Dawson arrived for his informal discussion.

Informal Discussion:

- Dawson Equipment has purchased 80 Route 16B (Old Dry Cleaners/Laundry Mat). Tax Map: 93 Lot: 015. Is to present conceptual plans for the structure and property.

Jake Dawson presented his conceptual plan to renovate the building, re-open the laundry mat and use the rear of the building to house his equipment and truck. The dry cleaning side of the building will remain empty for now. No plans for that area at this time.

Board discussion ensued over whether a Site Plan Review is needed. Since the building has been vacant for less than two (2) years, was an existing laundry mat and there will not be any repair business in the rear of the building. Billings polled the Board for their opinion on the need for a Site Plan Review.

Gillette – No SPR Zavas – No SPR St. Jean – No SPR Legendre – No SPR Martin – No SPR Barron – No SPR Billings – felt there should be a SPR on the property. The Board's opinion reflects no SPR is needed at this time. But when Jake Dawson decides what business will occupy the right side of the building, (aka dry cleaning side), Dawson agrees to come before the Planning Board for a full Site Plan Review.

New Business: Jeffrey Burd, Engineer/Agent arrived.

- **Case # 17-10-SPR:** Ossipee Granite Recovery, LLC, c/o agent: RJB Engineering, LLC for owner 56 Main St. Ossipee, LLC. Tax Map: 92 Lot: 122 is seeking a SPR to open Ossipee Transition House an Addiction Recovery Center.
 - **Waiver Request:** from Section 8.01.2 for parking requirements.

Burd presented revised plans based on recommendations from the Board during the Informal Discussion at the September meeting. Parking space calculations indicate a need for 4 spaces. A waiver is submitted to limit the parking spaces to two spaces. Existing lighting fixture will be replaced with a full cut-off lighting fixture. A sprinkler system will be installed per NH State Law and the Fire Department Chief.

Chairman Billings polled the Board to see if they felt comfortable having him remain on this case or to recuse himself, due to the recent events of his son, Ethan. Each member stated they had no problem with Billings remaining on the case.

Billings started the discussion by asking what type of facility this would be classified under according to the Ossipee Zoning Ordinances. The applicant for Ossipee Granite Recovery, LLC considers this to be a Living Home. Discussion continued as to whether this facility would be classified as a Group Home or Convalescent Home per the Zoning Ordinance.

The secretary read the Zoning Ordinance descriptions for 35.3 Institutional Uses, section *(e) Group Homes - A facility wherein (a) the operator is not legally related to the individuals supervised and is licensed by the State and wherein (b) one or more individuals is provided with room, board, specialized and distinctive care and supervision in a family environment, or where five or more individuals reside and are provided with food, board, ordinary care and supervision in a family environment.*

She also read, section (c) Convalescent Home - A building where three (3) or more infirm or aged persons are housed for compensation and licensed by the State of New Hampshire including convalescent hospital, home for the aged, rest homes and similar uses.

Point of Order called by Peter Zavas asking if the gentlemen for Ossipee Granite Recovery, LLC could please identify themselves for the record.

Eric Spofford, CEO for Ossipee Granite Recovery, LLC and Kurt Madnum, COO of Ossipee Granite Recovery, LLC. Spofford explained sometimes it's hard to categorize their facility within each town's descriptions. He explained they are not a licensed facility, so group home nor convalescent home would be accurate.

Legendre asked Spofford and Magnum to explain the daily routine for the resident's at this facility. Eric Spofford stated this facility is for self-motivated people wanting to achieve sobriety from drugs and/or alcohol:

1. House 16 male residents only
2. Responsible for own care & housing
3. Staffed 24 – hours per day
4. 4-6 week rotation
5. Completed a Primary Inpatient Program
6. Completed Medical Detox
7. Completed a 30-day Residential Model
8. Abstinent based philosophy (means they do not use other drugs or narcotics to achieve sobriety)
9. No Narcotics allowed, residents are free & clear from all drugs
10. Held accountable to on-site staff, breathalyzer and drug testing.
11. Zero Tolerance Policy – any violations and the person is removed and transported back to inpatient care (if they want to go there) or transported back home.
12. Day therapy 5-days a week at Green Mountain Recovery Center.
13. Evenings the residents are transported to a 12 step programs
14. Residents may have their own self-administered medications for ex. Depression, high blood pressure, etc...

Board Discussion:

Martin asked if they would fall under RSA 151 in part states, “needing a license for facilities or portions of a facility operating as an out-patient and rehabilitation clinic.” Kurt Madnum responded no because the out-patient treatment is happening at Green Mountain. This housing solution provides no services aside from monitoring their activities and holding them accountable to the rule of the house.

Legendre addressed concerns of being next to the school. Spofford addressed the concerns partly is a fear of these people entering a community. It's an important part of their recovery of being able to transition back into society. Which is why the Federal Law has outlined that people suffering from substance abuse and are in a state of recovery (not actively drinking or taking drugs), are classified as disabled under the American Disability Act.

Spofford noted they have never had one incident involving a child and are no threat to anyone in the community. Invited anyone up to Green Mountain Recovery Center to see how they operate.

Board discussion continued around comparability to previous facility at this location, co-ed housing but run separately, other similar facilities and how many times has Narcan been used. Madnum replied, none. Billing commented that's not what they've been told. Madnum stated they have never had to administer narcan on any client.

Billings asked for comments or concerns from Ossipee Police Department. Lieutenant, Joseph Duchesne responded prior to coming tonight he didn't know that much about the facility. But it seems as though they have a good understanding of the situation. Lieutenant Duchesne, police calls to that location are a fraction of the past facility and the police department would respond to any situation when called on.

Billings opened public input.

Principal Elizabeth Hertzfeld of Central Ossipee Elementary School addressed the concerns of being next to a school, parent concerns of not being told this was coming and the perception of trying to sneak the approval of this facility in without trying to make a proactive approach of informing the community.

James Rines noted as a non-licensed facility, they do not meet the criteria for a group home by the definition. If it's classified as a multi-family, their only allowed 4 units. Currently they do not fit into the description of any of the classifications by definition. Zoning is structured if it's written it's permitted. If it's not written within the definitions, it will require a variance. Rines recommends the Board discontinue discussion and forward them to the ZBA to apply for a variance.

Several town residents spoke adamantly against having this facility next to the school. Town resident's do not discount this service is desperately needed in Ossipee but absolutely do not want it next to the school. Concerns with walkaways, impact on town housing and welfare budgets, alarm system on doors, drug dealers, sex offenders and projecting good community communication verses the perceived sneaking the project through without informing the public.

Eric Spofford understands everyone's concerns and fears of "not in my back yard." But spoke passionately about the work and help they are trying to achieve to all NH resident's with addiction.

Spofford listed other residential treatment facilities in Canterbury, Intensive Out-Patient Programs in Concord, Manchester, Salem and Hampstead. There are Sober Living Programs in Concord, Manchester and Derry.

The Board reviewed the SPR checklist for completeness. Items missing are as follows:

1. Letter of Authorization
2. Fire Department Letter
3. Water & Sewer Letter
4. Obtain a Special Exception from ZBA

A **Motion** by Billings to conditionally accept the application pending missing items listed above and obtaining a special exception from the ZBA.

Point of Order by James Rines by definition this does not meet the criteria for group home because they do not have a license for the facility. Because they have something that does not exist within our Zoning Ordinance, they therefore need a variance from the ZBA.

Billings withdrew his previous motion.

A **Motion** by Billings to continue this application and hearing until November 21, 2017 to seek legal counsel to determine where this type of facility would be classified within our Zoning Ordinances. The attorney will provide direction as to whether a variance or special exception is required. Barron seconded. No further discussion. A unanimous vote was taken by show of hands.

Billings called for a five minutes recess at 8:40 pm.

Meeting reconvened at 8:46 pm.

Any other business that may come before the Board:

Zavas addressed the Board about determining a square footage limit before a building permit vs. a Site Plan Review – Amendment is required. Billings asked Zavas to read aloud the definition of structure.

“STRUCTURE: Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. Structures include, but are not limited to, buildings, walls, mobile homes, fences exceeding six (6) feet in height and bill boards. It shall not include minor installations such as mailbox, flagpole and fences or walls less than six (6) feet high. (Amended March 11, 1997)”

Discussion between Billings and McConarty over the interpretation of “fences exceeding six (6) feet in height” being considered a structure.

Zavas reviewed the description McConarty drafted for the SPR Amendment verses square footage requirements.

Board discussion ensued over which regulation to add this amendment too.

Board discussion on changes and restrictions ensued.

A **Motion** by Zavas to add to SPR Regulation 6.05.3, add item (G) as follows:

6.05.3. Board Action on Completed Application

G. SPR - Exemption Amendment – (300 SQ. FT. Building/Structure Site Plan Review - Amendment Exemption Requirements)

An applicant with prior Site Plan Review approval, may apply for a **one time only**, Exemption Amendment change to an existing site plan that does not exceed more than 300 square feet or does not adversely impact;

- Beyond site boundaries
- Increased traffic
- Groundwater and drainage
- Sanitary and solid waste disposal
- Lighting/Glare
- Noise
- Pollutants

In order to achieve exempt status, the owner of a property (or his/her agent) must apply in writing to the Ossipee Planning Board for an Exemption Amendment on forms to be provided by the Planning Board. The application shall fully describe the proposed use and the building/structure square footage.

Barron seconded the motion. Discussion ensued until several requests for a vote were heard. No further discussion. Zavas, Gillette, Barron, Martin, Legendre and St. Jean vote in favor. Billings opposed the motion. **Motion passed 6 – 1.** Discussion ensued over abutters being notified.

A **Motion** by Barron to change Zoning Ordinance – Table 1 – Chart of Uses, Article 34.2 Commercial Uses section (d) Bed and Breakfast in the Rural zone from requiring a Special Exception to Permitted. Zavas seconded. No discussion. A unanimous vote was taken by show of hands.

Adjournment:

A **Motion** by Billings to adjourn the meeting. Zavas seconded. No further discussion. A unanimous vote was taken.

The meeting adjourned at 9:20 p.m.

Next Meeting: **November 21, 2017 @ 7:00 pm**

Minutes approved by majority vote of the Board on – _____

Date

Condict (Connie) Billings,
Planning Board Chairman

Or

Roy Barron,
Planning Board Vice – Chairman
(In the absence of the Chairman)

Unsatisfied Conditions

Board	Date	Applicant	List of Conditions
PB	09/20/2016	WWSCR-Northgate Ossipee, LLC	SPR granted pending remaining conditions: #1: Water Supply Approval Letter received 09/11/2017 - Application submitted pending approval this month.
PB	09/20/2016	WWSCR-Northgate Ossipee, LLC	SPR granted pending remaining conditions: #2: Subdivision Approval Letter received 09/11/2017 - Application submitted pending approval of water supply this month.
PB	09/20/2016	WWSCR-Northgate Ossipee, LLC	SPR granted pending remaining conditions: #3: NHDES Septic Approval Letter received 09/11/2017 – Septic design to be submitted to Ossipee ZEO before the application is submitted to NHDES. Pending
PB	06/06/2017	Valley Point, LLC	SPR granted pending remaining conditions: #1: Written proof of who is responsible for the clean-up of offsite drinking wells both private and public with proof on the means to do so Pending
PB	06/06/2017	Valley Point, LLC	SPR granted pending remaining conditions: #2: All excavation shall be under the supervision of NHDES with continued testing being done to prove that no new contamination is present. Pending
PB	06/06/2017	Valley Point, LLC	SPR granted pending remaining conditions: #3: All contaminated soils shall be removed from the site and safely disposed of per NHDES regulations. Pending
PB	06/06/2017	Valley Point, LLC	SPR granted pending remaining conditions: #4: No new construction of any buildings shall begin until the entire site is deemed safe and clean of all contamination. Pending
PB	06/06/2017	Valley Point, LLC	SPR granted pending remaining conditions: #5: Plans that show the prevention of further groundwater contamination. Pending
PB	06/06/2017	Valley Point, LLC	SPR granted pending remaining conditions: #6: Plans for groundwater contamination monitoring shall continue until NHDES reports the site is safe and all drinking wells are clean for a time line as set by NHDES per the Petroleum Fund Regulations or 5 (five) years whichever is greater. Pending
PB	06/06/2017	Valley Point, LLC	SPR granted pending remaining conditions: #7: Proof of State approval of the water well and septic system. Pending
PB	06/06/2017	Valley Point, LLC	SPR granted pending remaining conditions: #8: All permit/ approvals of Federal, State and Local shall be in place before any construction begins. Pending
PB	06/06/2017	Valley Point, LLC	SPR granted pending remaining conditions: #9: No salt to be used for snow and ice removal. Pending
PB	06/06/2017	Valley Point, LLC	SPR granted pending remaining conditions: #10: All construction shall be materially of the latest design. Pending
PB	06/06/2017	Valley Point, LLC	SPR granted pending remaining conditions: #11: All Federal, State and Local Regulations shall be followed. Pending
PB	06/06/2017	Valley Point, LLC	SPR granted pending remaining conditions: #12: Site shall be developed as per site plans approved by this Planning Board. Pending
PB	06/06/2017	Valley Point, LLC	SPR granted pending remaining conditions: #13: Any spills, requiring notification of NHDES, per NHDES rules, shall result in the evacuation of the Oil and Water Separator system and shall be cleaned semi-annually. Pending