

**OSSIPEE PLANNING BOARD
MEETING MINUTES
November 21, 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 7:04 PM.

Pledge of Allegiance: was recited

Attendance by Roll Call: – Connie Billings-Chairman, Roy Barron-Vice Chair, Dennis Legendre, and Peter Zavas.

Absent: Bob Gillette, Tim Otterbach, Sandra “Sam” Martin -Selectmen’s Rep., Rick St. Jean, and Steve McConarty (ZEO).

Chairman Billings moved to address the following case under 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 and a **Waiver Request:** from Section 8.01.2 for parking requirements.

A **Motion** by Billings to not accept the application because:

1. The application is not complete per requirements,
2. The Board cannot rule on the application because the intended use does not meet the any descriptions of permitted uses within the Town of Ossipee Zoning Ordinances or Site Plan Review Regulations and,
3. The applicant is to apply to the ZBA for a Variance and a Special Exception prior to applying to the Planning Board for a Site Plan review.

Barron seconded the motion. Billings called for discussion. Zavas questioned why both a Special Exception and a Variance. Billings stated per mutually agreed legal advice the applicant will need to apply for both.

Billings called for public discussion.

Point of Order by Jim Rines, since the application was submitted but not accepted. Procedurally, the applicant would need to withdraw their application without due prejudice. Or, the Board would need to deny the application without prejudice. Billings noted that what his motion states.

Joe Deighan through his research stated, according to Zoning Regulations the use falls under Group Homes and will require a Special Exception in the Village District. The facility also qualifies under the Fair Housing Act (FHA) and the American Disability Act (ADA) requirements. Because under addiction, (unless they are currently using illicit drugs), and are in some form of recovery are classified as disabled. In reading case studies, there is strong arguments that Towns are required to make reasonable accommodations for these types of facilities.

Ash Fischbein called this case a good opportunity for the Planning Board to work on the Master Plan.

Carlos Clough spoke as a parent of a disabled child by putting his child and others at undo risk by allowing this type of home to go in next to the school.

Billings called for a roll call vote to move this case to the ZBA:

Legendre – Yes

Barron – Yes

Zavas – Yes

Billings – Yes

A unanimous vote by roll call to move this case to the ZBA.

Billings opened the Public Hearing for adopting the revisions to the Site Plan Review Regulations at 7:14 PM.

Public Hearing

Billings asked if the Board had reviewed the revisions to the Site Plan Review Regulations.

A **Motion** by Billings to adopt the revisions of the Site Plan Review regulations as published on November 21, 2017. Barron seconded. No discussion. A unanimous vote was taken by show of hands.

Billings closed the Public Hearing at 7:16 PM.

Billings reconvened the regular Planning Board Meeting at 7:16 PM.

Meeting Minutes: the Meeting Minutes from 11/07/2017 were reviewed.

A **Motion** by Barron to approve the minutes of 11/07/2017 Planning Board meeting. Zavas seconded. No discussion. All voted in favor by show of hands.

Financial:

- Sager & Smith, PLLC – Planning Board v. Morse (gravel pit) - \$6,874.25 – October 2017 statement

Unsatisfied Conditions: (continued from previous PB Mtgs):

- See separate sheet with details all items are status quo.

Informal Discussion: Billings called for Mr. Harrigan. Mr. Harrigan was not present.

- James Harrigan, 40 Blueberry Rd. Tax Map: 34 Lot: 63. Submitted email request for a Conditional Subdivision approval to appease the Blueberry Estates Association request before they change their regulations.

New Business:

- **Case # 17 – 9 – SPR:** Verizon/H&R Block, owner David Poulin. 1995 Route 16. Tax Map: 27 Lot: 24 is seeking a Site Plan Review to renovate the old O’Keefe building and move Verizon Wireless Retail Store and H&R Block into this location.

Billings stated there is information missing and called for David Poulin to present his case. Mr. Poulin presented final plans, which were distributed to the Board for review. Item pending is a letter from the Fire Chief.

Billings questioned if all abutters had been notified. The secretary stated she always re-runs the abutters list and cross references it with the applicants list. The secretary went and ran the abutters list and site map again and presented to Chairman Billings to assure them all abutters had been notified appropriately.

Billings questioned the zoning district, which is Roadside Commercial.

A **Motion** by Barron to conditionally accept the application pending the Fire Chief’s letter of approval. Zavas seconded. No discussion. All voted in favor by show of hands.

A **Motion** by Billings to conditionally approve the application pending the Fire Chief’s letter of approval. Barron seconded. No discussion. All voted in favor by show of hands.

Old Business:

- **Morse Pit discussion** – As of 11/08/2017 still pending legal submission process.
- **Projects 2017:**
 1. **Zoning Ordinance Revisions:** Pending wording changes for:
 - a. 4.9 – pending wording from Steve McConarty
 - b. 24.1.1 - pending wording from Steve McConarty
 2. **Accessory Building:** New Ordinance request by Steve McConarty

Public Input:

Ash Fischbein feels strongly of the need for the Master Plan to be updated.

Carlos Clough pushed for taking the experience of others and innovations to make the necessary changes for addiction. He has also found free places to go and call for help.

Billings commented the Planning Board can only follow the rules and regulations set forth by the State to follow. As for addiction, he knows all too well how it effects the family. Everybody has some sort of addiction whether it's drugs, alcohol, eating, or clothing. But until that person wants to quit, you can talk to them until your blue in the face. But they have to want to quit.

A lengthy discussion ensued over addiction, the need for recovery centers and State and Town obligations.

Ed Comeau explained on a State level defining addiction and recovery type places. Ed Comeau stated, "that every State in the United States as an addiction problems. By simply saying you can't have something here or by a school or by a playground does not negate the issue that there are still people in the entire town that are passing through the school or passing by the school and if we further demonize people who have addiction and not understand the true reason for addiction. We're never going to solve this problem. When a person has completed their treatment at Green Mountain Treatment Center and are transitioning back into the communities. There already past that point and they have no choice but to transition back in. It does not matter where you put them because the alcoholics and drug addicts are already here!"

Deighan commented his research leads towards the Recovery Center having the legal rights to have the facility here.

Ed Comeau gave his personal opinion if they had presented this topic and location plan in an open forum and positive public hearings to the Towns people for discussion, there may not have been so much resistant's.

Billings ended the discussion since there is no representative from the Ossipee Recovery Center present.

Any other business that may come before the Board:

Chairman Billings asked former Planning Board member Peter Billings about the property at tax map: 34 Lot: 63 and the reasoning of why that Board ruled the way they did in 2010. According to Peter Billings the restriction of no further subdivision of this lot because 1. Green Space, 2. Wetlands and 3. Insufficient road frontage. The ruling was to follow the original plan that was negotiated between Northern Land Traders and the Ossipee Planning Board. At the time, the Master Plan was being worked on and the Board wanted to preserve some green space in the development.

Billings stated the Planning Board has no authority to change any plot plan because of the conveyance. Only the successor of Northern Land Traders can change the conveyance.

Announcements:

December 4, 2017 – School Board Meeting 7:00 pm at Ossipee Central School discussion to include proposed Ossipee Recovery Center.

Upcoming Deadlines for Traditional March Town Meeting:

December 13, 2017 – Last day to accept petitions to amend zoning ordinances, historic district ordinances or building for consideration at the 2018 town meeting.

January 12, 2018 – Last day to post and publish notice for first hearing on proposed adoption or amendment of zoning ordinance, historic district ordinance or building code if a second hearing is anticipated.

January 16, 2018 - Last day to publish notice, in a newspaper of general circulation in the town, for January 23rd session for checklist correction. [RSA 654:27; 669:5 – notice posted in 2 appropriate places one of which shall be the town's Internet website, if such exists or shall be published in a newspaper of general circulation at least 7 days prior to the session]

Adjournment:

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

The meeting adjourned at 8:14 p.m.

Next Meeting: **December 5 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