

**OSSIPEE PLANNING BOARD
MEETING MINUTES
December 5, 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, Dennis Legendre, Peter Zavas, Bob Gillette, Tim Otterbach, Sandra “Sam” Martin -Selectmen’s Rep., Rick St. Jean, and Steve McConarty (ZEO).

Meeting Minutes: the Meeting Minutes from 11/21/2017 were reviewed.

A **Motion** by Barron to approve the minutes of 11/21/2017 Planning Board meeting. Legendre seconded. No discussion. Legendre, Barron, Billings and Zavas voted in favor by show of hands. Abstained were Martin, Otterbach, and Gillette. **Motion passed.**

Unsatisfied Conditions: (continued from previous PB Mtgs):

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

New Business:

- **Case # 17 – 3 – BLA:** Neil & Catherine Munro & Marcel & Debra Beaulieu. 163 & 167 Ossipee Mountain Rd. Tax Map: 64 Lot: 4 & 5 is seeking a Boundary Line Adjustment to correct encroaching improvements of one applicant upon another. **Waiver Request as follows:**

1. 9.04 A: Submitting a mylar at time of application
2. 9.04 P: Wetland delineation and Impact Study
3. Checklist item: Soil test pits
4. Checklist Item: Topographic Contours

The applicant, Bryan Berlind ***of Land Tech Service Corp.,*** was present and submitted a letter to the Chairman requesting a continuance until January 16, 2018.

A **Motion** by Billings to accept the request for a continuance until January 16, 2018. Barron seconded. No discussion. A unanimous vote was taken.

- **Form Revisions:**

- Notices of Taxes Paid:

Discussion over RSA 674:37 A (IV) and whether the Planning Board can legally request an applicant to divulge, if their taxes are paid before accepting an application or rendering an application judgement. St. Jean completely disagreed with the Planning Boards authority over requesting notice of taxes paid.

Ed Comeau provided a similar legal response the Town of Brookfield had over the same issue. Ed Comeau will submit a copy from Legislative Services response for the Town of Brookfield.

A **Motion** by Billings to submit to the Town Attorney the following for legal opinion “Do we as a Planning Board have the authority to withhold an application or approve a subdivision or boundary line adjustment without the land taxes being paid on both parcels.” Otterbach seconded.

Discussion: Zavas asked to amend the motion to ask if the Planning Board even has the right to inquire if taxes are paid. Barron requested to add the information Ed Comeau is forwarding from the Town of Brookfield be submitted to the Town Attorney as well.

A **Motion** by Zavas to amend the previous motion to ask if the Planning Board even has the right to inquire about taxes and to add the information Ed Comeau is forwarding from the Town of Brookfield be submitted to the Town Attorney. Barron seconded. No further discussion. A unanimous vote was taken by show of hands.

A **Motion** by Billings to submit to the Town Attorney the following for legal opinion “Do we as a Planning Board have the authority to withhold an application or approve a subdivision or boundary line adjustment without the land taxes being paid on both parcels.” Otterbach seconded. No further discussion. A unanimous vote was taken by show of hands.

Billing moved to return to New Business.

- **Case # 17-11-SPR:** O'Reilly Auto Parts c/o agent: Kevin Solli of Solli Engineering for owner Hutton Team, LLC. 901 Route 16. Tax Map: 123 Lot: 061/001 is seeking a SPR to develop a 7,456 square foot Auto Parts store.

Casey Birch, Civil Engineer for Solli Engineering was present and presented the plans for a Site Plan Review to develop a 7,453 square foot O'Reilly's Auto Parts Store. Access will be from the existing access road off Route 16. The loading dock will be on the south side of building with a (4) foot segmental block retaining wall to maintain the grade requirements. The water drainage will utilize the existing stormwater catch basin, but modified to meet the NHDES requirements for the 2 year, 10 year and 50 year storm events. Storm water run-off will be collected through pre-treatment collection before entering into the infiltration catch basin. Septic will be off the south side of the building a connected to the existing tanks. Electric and telecommunications will be fed overhead to the structure from a nearby utility pole on the south-east side of Isaac Buswell Road. A well will be drilled on site to provide water service to the proposed building. The well is located approximately 15 feet off the north-west face of the building.

They are currently in the process of obtaining the Alteration of Terrain permit, Wetlands permit and the Individual Sewage Disposal System permit from NHDES. NHDES has replied with conditions for the AoT application to be worked out.

Discussion ensued over the percentage of wetlands within this parcel. Casey Birch noted the property is 1.76 acres, the amount of impervious area is .49 acres and the wetlands is .17 acres and was determined to be 40.4% of the maximum 50% of impervious surface allowable.

Casey Birch presented the Soil Erosion Control plan. They are protecting the wetlands with silt fencing on the eastern side up to the north end of the wetlands. The construction entrance is approximately 50 feet in length from the main entrance. The catch basins are protected with rip-rap. The drenching is protected on both sides with hay bale and silt fence. Complete Wetland Restoration will be restored in the uplands with shrubs and mitigation will take place within the trench area and is part of the wetland application process.

A **Motion** by Barron to accept the application as complete. Gillette seconded. No discussion. All voted in favor by show of hands.

No further discussion.

A **Motion** by Billings to conditionally approve the application pending the following conditions:

1. Pending all ***Federal***, State and Local Permits accepted and approved by the State and Town.
2. The Wetlands shall be restored to their pre-construction state.
3. All Federal, State and Local Regulation shall be followed.

Barron seconded. No discussion. All voted in favor by show of hands.

Old Business:

- **Morse Pit discussion** – Pending legal process of Original Reclamation plan and Court Order.
- **Form Revisions:**

- **Notices of Taxes Paid** – pending legal opinion & advice as previously
- **Special Use Permit Application**

A **Motion** by Billings to accept the revisions of the Special Use Permit Application as submitted. Barron seconded. No discussion. All voted in favor by show of hands.

- **Subdivision & BLA: Application & Checklist** revisions

A **Motion** by Billings to accept the revisions of the Subdivision & BLA: Application & Checklist as submitted. Barron seconded. No discussion. All voted in favor by show of hands.

- **Site Plan Regulations:** Billings noted the revisions submitted by Attorney Rick Sager, include Section 6.05.3 (G), proposed wording change with Attorney Sager's suggestions, Section 1.02 "...Ordinance or any Federal and State statutes which..." should be changed to "...Ordinance or any Federal or State laws, rules or regulations which..." and Section 11.08 states RSA 674:39 exempts site and other plans from amendments to local zoning, etc. for a period of 5 years. As it stands right now, the one year exemption (to become two) is superseded by the 5 year exemption in RSA 674:39. I advise to omit 11.08 entirely, or instead refer to RSA 674:39. Billings suggested to just refer to RSA 674:39.

A **Motion** by Billings to accept the revisions of the Site Plan Review Regulations as submitted by Attorney Rick Sager. Barron seconded. No discussion. All voted in favor by show of hands.

- **Projects 2017:**

1. **Zoning Ordinance Revisions:** Pending wording changes for:

Proposed revision/additions to the zoning ordinance as requested by Steve McConarty, ZEO is as follows:

a. 4.9 – Travel Trailers and Campers

Private Campsites: A private campsite is subject to the following requirements:

- One private campsite per lot is allowed for a period no longer than 30 days, consecutive.
- If a private campsite is occupied on a lot for more than ten (10) consecutive days, then the property owner shall show provisions for water and sewer disposal and obtain a permit from the Building Department.
- No campsite shall be used for any means as a permanent residence.
- A private campsite placement on any lot shall conform to the setback requirements in Article VI – 6.41 & 6.42 of the Ossipee Zoning Ordinance.

- Solid waste and sewerage shall be disposed of in a lawful manner.
- A parcel owner shall not receive any form of compensation from use of a private campsite.
- Any camping vehicle connected to a water supply shall be hooked to a Sewage Disposal System approved by the NH Department of Environmental Services.

Storage of Private Camping Structures:

- Nothing herein shall preclude the storage of an unoccupied recreational vehicle on private property provided all other State and Local requirements are met. Tents and similar structures shall be collapsed and stored when unoccupied. Likewise, recreational vehicles, including campers and pop-ups, shall be stored in their fully collapsed, road-ready configuration, disconnected from all utilities, while unoccupied.

Board discussion on use of the word private campsite, concerns with the definition of what is considered a campsite, number of days allowable, use of the term structure, and defining the title of Zoning Ordinance 4.9.

A **Motion** by Otterbach to change the title of Zoning Ordinance 4.9 to state, Travel Trailers, Campers and Tents. Barron seconded.

Billings questioned the current 14 days verses the proposed 30 days and the whole ordinance would need to be changed. Discussion noted the 30 days will replace the current 14 days but the Zoning Ordinance title needs to be revised first.

Point of Order by Zavas that a vote to change the title first before revising the ordinance.

Otterbach restated his **Motion** to change the title of Zoning Ordinance 4.9 to state, Travel Trailers, Campers and Tents. Barron seconded. Discussion on including recreational vehicles or camping vehicles.

Barron and Otterbach withdrew their previous motion.

A **Motion** by Otterbach to change the title of Zoning Ordinance 4.9 to state, Recreational Vehicles, Campers and Tents. Barron seconded.

Discussion: Billings noted the definition for Recreational Vehicle on page 17 of the Zoning Ordinance cannot apply because it is classified for the flood plains only.

With no further discussion. Billings called for a vote. A unanimous vote was taken by show of hands.

Otterbach proposed the revisions to the wording for Zoning Ordinance **4.9 Recreational Vehicles, Campers and Tents**, as stated below:

Recreational Vehicles and Camper, as defined by this Ordinance, owned and registered by residents of the Town of Ossipee for personal use, and tents may be stored or parked during periods of non-use on the premises of the owner provided it remains mobile, and is not hooked to utilities and remains uninhabited.

4.9.1 - A campsite shall comply with the following requirements:

- A campsite is allowed for a period no longer than 30 consecutive days.
- If a campsite is occupied for more than ten (10) consecutive days, the property owner shall show provisions for water and sewer disposal and obtain a permit from the Building Department.
- No campsite shall be used for any means as a permanent residence.
- A campsite placement on any lot shall conform to the setback requirements in Article VI – 6.41 & 6.42 of the Ossipee Zoning Ordinance.
- Solid waste and sewerage shall be disposed of in a lawful manner.
- A parcel owner shall not receive any form of compensation from use of a campsite.

- Any camping vehicle connected to a water supply shall be hooked to a Sewage Disposal System approved by the NH Department of Environmental Services.

4.9.2 - Storage of Private Camping Structures

- Nothing herein shall preclude the storage of an unoccupied recreational vehicle on private property provided all other State and Local requirements are met. Tents and similar structures shall be collapsed and stored when unoccupied. Likewise, recreational vehicles, including campers and pop-ups, shall be stored in their fully collapsed, road-ready configuration, disconnected from all utilities, while unoccupied.

The landowner must comply with the remainder of RSA 216-1:13.

Board Discussion ensued until the secretary was instructed to write the ordinance to incorporate McConarty's wording with the existing ordinance for the next meeting.

The Board proceeded to add a new definition to Article XXXIII – Definitions for Recreational Vehicles to state:

RECREATIONAL VEHICLES: (Added March 1994) A vehicle which is:

- a. built on a single chassis;
- b. designed to be self-propelled or permanently towable by a light duty truck and;
- c. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

Board Discussion ensued until the secretary was asked to write the wording with the existing ordinance for the next meeting.

b. 24.1.1 - Revision to Ordinance was tabled until 12/19/2017 meeting.

2. **Accessory Building:** McConarty proposed the following Ordinance Definition revision of accessory buildings, "To include canvas and aluminum structures, those are to be classified as open structures. Open structures can have a roof, but no front, back or sides enclosed. They shall have the same setback requirements as accessory buildings". Discussion ensued.

A **Motion** by Barron to include in the definition of accessory building "Any structure temporary or otherwise shall meet setback requirements". Otterbach seconded.

Discussion ensued and Billings requested that Barron and Otterbach withdraw their motion until he did some research. Otterbach and Barron withdrew their motion.

Zavas suggested the following language for accessory building "Any temporary or portable canopy, carport, garage or tent shall be subject to all setback and shall have the same setback requirements as accessory buildings." Board discussion ensued.

A **Motion** by Zavas to add the following language to Article XXXIII – Definitions to Accessory Buildings... "Any temporary or portable canopy, carport, garage, shelter or tent shall be subject to all setbacks. They shall have the same setback requirements as accessory buildings." Otterbach seconded.

Board discussion ensued over whether to remove "subordinate building" from the Accessory Building definition to account for properties that do not have a main building on the lot or to add the language to Building, Structures or create a new definition for temporary buildings/structures. Otterbach and Zavas withdrew their motion.

A **Motion** by Zavas to add a new definition to Article XXXIII – Definitions to include, Temporary: Any temporary or portable canopy, carport, garage, shelter or tent shall be subject to all setbacks. They shall have the same setback requirements as accessory buildings. Martin seconded.

Discussion continued with Billings suggesting removal of the last sentence in the motion.

With no further discussion. Billings called for a vote. A unanimous vote was taken by show of hands.

Important Deadlines/Meeting:

- **Wednesday, December 13, 2017** Last day to accept petitions to amend zoning ordinance, historic district ordinance or building code for consideration at the 2018 town meeting. [RSA 675:4- 90 days before town meeting]
- **Friday, 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. [RSA 675:3; 675:7 – 10 clear days before 1/22/18]
- **Tuesday, 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]
- **Monday, January 22, 2018** Last day to hold first public hearing on adoption or amendment of zoning ordinance, historic district ordinance or building code if a second public hearing is anticipated. [RSA 675:3 – 14 days prior to last date to hold public hearing on zoning/building/historic district ordinance amendment/adoption]
- **Thursday, January 25, 2018** Last day to post and publish notice of final planning board public hearing on proposed adoption or amendment to zoning ordinance, historic district ordinance or building code. [RSA 675:3; 675:7 – 10 clear days before 2/5/18]
- **Monday, February 5, 2018** Last day for planning board to hold final public hearing on adoption or amendment of zoning ordinance, historic district ordinance or building code. Planning board must also determine final form. [RSA 675:3 – one day before deadline for delivery of final zoning/building/historic ordinance ballot proposals to town clerk on 2/6/18]

Any Other Business Which May Come Before This Meeting

Adjournment:

A **Motion** by Zavas to adjourn the meeting. Martin seconded. No further discussion. A unanimous vote was taken. The meeting adjourned at 9:28 PM.

Next Meeting: **December 19, 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