

**OSSIPEE PLANNING BOARD  
MEETING MINUTES  
February 6, 2018**

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 7:02 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, Bob Gillette, Tim Otterbach, and Steve McConarty (ZEO).

**Absent** - Rick St. Jean. **Late Arrival:** Peter Zavas

Chairman opened the public meeting.

**Meeting Minutes:** the Meeting Minutes from 01/16/2018 were reviewed.

A **Motion** by Barron to approve the minutes of 01/16/2018 Planning Board meeting. Legendre seconded. No discussion. All others voted in favor by show of hands.

**Financial:**

- Budget Report – 2017 Year-End Report

**Unsatisfied Conditions:** (continued from previous PB Mtgs):

- See separate sheet with details.
- **Valley Point** – discuss pending permitting status
- **Case # 17 – 3 – BLA:** Land Tech. representing agent for Neil & Catherine Munro & Marcel & Debra Beaulieu. 163 & 167 Ossipee Mountain Rd. Tax Map: 64 Lot: 4 & 5 is seeking Final BLA approval with submission of official and Mylar plans for signature.

A **Motion** by Billings to accept the plans as submitted and remove **Case#17 – 3 – BLA** for Munro & Beaulieu from the Unsatisfied Conditions list. Barron seconded. No further discussion. A unanimous vote was taken by show of hands.

A **Motion** by Billings to sign the plans and granted final approval with conditions met for **Case#17 – 3 – BLA** for Munro & Beaulieu. Barron seconded. No further discussion. A unanimous vote was taken by show of hands.

Peter Zavas arrived at 7:07 pm.

**Informal Discussion:**

- **Ossipee Mountain Estates** c/o Mike Duffy, 7 Mountain View Rd. Tax Map: 054 Lot: 002, was here to discuss plans for upcoming project. Mike Duffy of Horizon Engineering Associates, LLP, to redesign and replace the entire water system at Ossipee Mountain Estates. Existing wells will get new pumps and cosmetic work. The existing pump house will be decommissioned and the new pump house will be

relocated. The new system will have 40,000 gallons of storage between two tanks. NHDES will oversee the construction of the water system. Board review of the plans and discussion ensued.

Mr. Duffy was advised to proceed with applying for a Site Plan Review and submit a whole set of plans with a focus on pages 2 & 8 – 10 along with the application.

- **Chalmers Insurance** c/o Andy Chalmers, 940 Route 16. Tax Map: 123 Lot: 011, was her to explain his plans for wanting to move Chalmers Insurance into the former Black Bear Café. The exterior would remain the same, has new septic system, and traffic flow on average is five vehicles. The interior would be converted to office space. The apartment upstairs would become storage and the stairs would be replaced.

Board discussion over change of use and would it require a Site Plan Review. After discussion, since the change is retail to retail type business, no Site Plan Review is required. Andy Chalmers was instructed to work with the zoning enforcement officer to obtain a letter from the District Fire Chief, concerning a sprinkler system and to check with NHDOT on the curb cuts.

- **Hitching Post:** Tracy Cronin of Cronin Construction, 60 Route 16B. Tax Map: 093 Lot: 024 presented his concept plan of wanting to add 10 – 12 more unit apartments. He has secured the building, replaced the hot water system due to water damage. He will be replacing the boiler system and installing a sprinkler system. The store and ice cream shop will be converted into 2-3 bedroom apartments. The shed buildings in the rear of the property will be removed and a large addition will be added for more apartments.

Board discussion and review of plans ensued. Concerns with exceeding the percentage of lot coverage and the verbal agreement for use of right away with the Congregational Church were raised. As well as converting the store and basement, that's been in existence since 1820's, into an apartments with all new entrance and exits. The Board advised Mr. Cronin to apply for a complete Site Plan Review.

- **Auto Dealership:** Walter Cook presented for 931 Route 16. Tax Map: 123 Lot: 067 with questions if zoning allows for Auto Sales and if 20 - 25 autos is allowed on the lot. No changes to the building will be done.

A brief Board discussion whether the lot has been vacant for more than two years. After discussion, the Board agreed they do not believe it's been vacant for two years and they asked if the flood light could be removed so it's not blinding passersby. Also, there is to be no repair services at all. Chairman Billings polled the Board and all agreed no further application process is required at this time.

### **New Business:**

- **Ossipee Mountain Grille:** Tony Ouellette, 1625 Route 16. Tax Map: 053 Lot: 005. Discussion continued - McConarty reviewed the prior files and has had multiple conversations with Tony Ouellette. McConarty noted Mr. Ouellette came before the Board on 08/06/2013 for an informal discussion to determine if he needed a Site Plan Review for an outside patio and seasonal market. By a majority poll of the Board, it was determine that no site plan review was needed for this work.

McConarty noted subsequently, Mr. Ouellette has constructed a building and put up a fence. McConarty stated it is up to the Board on how to proceed.

### **Board discussion:**

The Board reviewed plans and minutes from 2013. Legendre revisited his previous discussion of there being no difference between Ossipee Mtn. Grille and Hobb's wanting to provide entertainment. Billings explained there is a difference because Hobb's wanted to have different events outdoors in field area and Ossipee Mtn. Grille would have it within the fenced in area. Zavvas tried to provide several scenario's to explain the difference between the two cases.

Billings stated since the fence is six feet it is considered a structure, so the Board has no control over what takes place within a structure. McConarty commented the fence needs to be higher than six feet to be considered a structure. Billings disagreed until he re-read Article XXXIII – Definitions for a Structure as follows:

*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)*

McConarty stated if you call this a structure, it's going to raise a lot of issues starting with going before the ZBA for constructing a building without permits, possibly not meeting setbacks, etc... Including not meeting Fire Department requirements in the patio section.

Billings acknowledged the wording does state (exceeding six feet).

McConarty noted according to the building permit, Mr. Ouellette is claiming the fence is seven (7) feet in height, which would make it a structure. Zavas noted, he thinks it a mistake if Mr. Ouellette wants to claim the fenced area a structure. Because since he is on septic, outside seating does not count towards his food license, the extra 60 seats will not meet any criteria with the State, and he will end up in trouble there too. Zavas advised Mr. Ouellette be made aware of all the issues if he proceeds.

After a lengthy discussion over the height of the fence, clam-shell structure, fire department requires for the fence, setbacks and lot line locations. Some Board members wanted Mr. Ouellette to come in for another informal discussion but wanted to see a formal plan showing lot lines, all structures and fence on the property.

Ultimately, Billings concluded the discussion stating if Mr. Ouellette wants to state the fence is (7) feet tall, he will need to go through the ZBA and if he changes anything with this property, he must come before the Planning Board for an Official Site Plan Review.

### **Old Business:**

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

### **Notices:**

- Billings read and accepted Mr. Rines response from White Mtn Survey to request from PB for details on revised copy of “Plan of Land prepared for Cheryl L. Wilson Living Trust, Cheryl L. Wilson Trustee.”

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

- **Business Tax Relief Bill** – HB 316 – Relative to Statewide Property Tax Exemption for Commercial & Industrial Construction.

Billings introduced this bill to the Board which reads in part – *“the property tax exemption that is available to commercial and industrial properties for those with new construction or renovations that will allow up to a 50% assessment reduction for up to 10 years.”*

McConarty requested to be excused. Billings approved.

Martin commented the Board of Selectmen have submitted this bill as a Warrant Article for Town Meeting this year, which reads:

*“To see if the Town will vote to adopt the provisions of RSA 72:81 Commercial and Industrial Construction Exemption to allow anew construction property tax exemption for commercial and industrial uses. The exemption shall apply only to municipal and local school property taxes assessed by the municipality and shall exclude state education property taxes and county taxes. The exemption shall be as follows: 50% of the increase in assessed value attributable to construction of new structures, and additions, renovations, or improvements to existing structures for five years. This exemption will be applied to all projects submitting a proper application each year during the exemption period, which will remain in effect for a period of five years from adoption.”*

Discussion ensued over whether the tax exemption is for 5 years or 10 years. Billings suggested the Board send a letter of endorsement to the Board of Selectmen of adopting HB-316.

A **Motion** by Barron to send a letter of endorsement to the Board of Selectmen of adopting HB – 316. Otterbach seconded. No further discussion. A unanimous vote was taken by a show of hands.

- Billing asked Ed Comeau if he had any updates for the Board. Ed Comeau replied, not for this Board.
- Bob Gillette announced this would be his last meeting after 10 years on the Planning Board. He felt due to his work and increasing personal travels, he would be away too much and it would not be fair to the voters. So he has chosen not to run for re-election. He thanked the Board and would like to discuss being an alternate on the Planning Board, when he returns at the end of March. Barron and Otterbach thanked him for service on the Planning Board.

**Adjournment:**

A **Motion** by Barron to adjourn the meeting. Martin seconded. No further discussion. A unanimous vote was taken. The meeting adjourned at 8:50 PM.

Next Meeting: **February 20, 2018 @ 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	06/06/2017	Valley Point, LLC	SPR granted pending remaining conditions: #1: Written proof of who is <b>responsible</b> for the clean-up of offsite drinking wells both private and public with proof on the means to do so <b>Pending</b>
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. <b>Pending</b>
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. <b>Pending</b>
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. <b>Pending</b>
PB	06/06/2017	Valley Point, LLC	SPR granted pending remaining conditions: #5: Plans that show the prevention of further groundwater contamination. <b>Pending</b>
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 <b>whichever</b> is greater. <b>Pending</b>
PB	06/06/2017	Valley Point, LLC	SPR granted pending remaining conditions: #7: Proof of State approval of the <b>water well</b> and septic system. <b>Pending</b>
PB	06/06/2017	Valley Point, LLC	SPR granted pending remaining conditions: #8: All permit/ <b>approvals</b> of Federal, State and Local shall be in place before any construction begins. <b>Pending</b>
PB	06/06/2017	Valley Point, LLC	SPR granted pending remaining conditions: #9: No salt to be used for snow and ice removal. <b>Pending</b>
PB	06/06/2017	Valley Point, LLC	SPR granted pending remaining conditions: #10: All construction shall be materially of the latest design. <b>Pending</b>
PB	06/06/2017	Valley Point, LLC	SPR granted pending remaining conditions: #11: All Federal, State and Local Regulations <b>shall be</b> followed. <b>Pending</b>
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. <b>Pending</b>
PB	06/06/2017	Valley Point, LLC	SPR granted pending remaining conditions: #13: Any spills, <b>requiring notification of NHDES, per NHDES rules, shall result</b> in the evacuation of the Oil and Water Separator <b>system and shall be</b> cleaned semi-annually. <b>Pending</b>
PB	11/21/2017	Verizon/H&R Block c/o Dave Poulin	SPR granted pending remaining conditions: #1: Official Letter from Fire Chief approving the plan. <b>Received 01/16/2018 Pending final official letter from Fire Chief.</b>
PB	12/05/2017	Hutton Partners /O'Reilly Auto Parts	SPR granted pending remaining conditions: #1: Pending all <b>Federal</b> , State and Local Permits accepted and approved by the State and Town. <b>Pending</b>
PB	12/05/2017	Hutton Partners /O'Reilly Auto Parts	SPR granted pending remaining conditions: #2: Pending all <b>Federal</b> , State and Local Permits accepted and approved by the State and Town. <b>Pending</b>
PB	12/05/2017	Hutton Partners /O'Reilly Auto Parts	SPR granted pending remaining conditions: #3: All Federal, State and Local Regulation shall be followed. <b>Pending</b>