

**OSSIPEE PLANNING BOARD  
MEETING MINUTES  
February 20, 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 7:03 PM.

**Pledge of Allegiance:** was recited

**Attendance by Roll Call:** – Connie Billings-Chairman, Roy Barron-Vice Chair, Dennis Legendre, Tim Otterbach, and Steve McConarty (ZEO).

**Absent** - Sandra “Sam” Martin-Selectmen’s Rep., Peter Zavas, Bob Gillette, and Rick St. Jean.

Chairman opened the public meeting.

**Meeting Minutes:** Review to approve Meeting Minutes of 02/06/2018.

A **Motion** by Barron to approve the minutes of 02/06/2018 Planning Board meeting. Otterbach seconded. No discussion. All voted in favor by show of hands.

**Financial:**

- Budget Report – N/A
- Sager & Smith, PLLC – Invoice dated 02/13/2018 received for Planning Board regarding General Matters in the amount of \$700.00.

A **Motion** by Billings to approve the invoice payable to Sager & Smith, PLLC in the amount of \$700.00. Barron seconded. No discussion. All voted in favor by show of hands.

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

- See separate sheet with details.
- Fire Chief’s Letter received 02/20/2018 from Adam Riley for Chalmers Insurance

**Informal Discussion:** Chairman Billings announced Informal Discussions are non-binding on either party.

- **Hodgdon Farm:** 1230 Route 16, owner is Chip & Tina Maxfield of Maxfield Property Holdings, Inc. Representing Agent, Jim Rines of White Mtn Survey & Engineering was present seeking guidance from the Planning Board before coming in with a formal application. The owners have been unable to sell due to the size of the land. Rines explained the Maxfield’s would like to subdivide the 28.85 acre property. The primary lot with a dwelling would consist of 4-5 acres with the leech field.

Rines noted there is an existing condition on the plans that reads, “Any further subdivision beyond 3 lots will require the 50 foot Right of Way to be built to the Ossipee road specifications.” He requested the secretary to pull the minutes from 1988, when the then Planning Board approved the original subdivision to see what conditions were imposed at that time. Those minutes state, “Peak Associates – 4 lots, Route 16, Ossipee. Plan changed to 3 lots. Conditional approval upon note on plan regarding total lot size be moved or removed all together, and a note stating that the 50 foot right-of-way be built if any further subdivision of lot 1 be proposed.

Rines proposed two suggestions as follows:

1. If the owner was to apply for a subdivision of 4-5 acres, they could put a restriction that the remaining proposed lot 2 of 25.25 acres could not be developed until the 50 foot right-of-way road be built, or
2. Currently, the owner is taxed on two lots, 1. Is Tax Map 101 Lot: 001 the primary lot and 2. The right-of way access road, Tax Map 101 Lot: 002, which listed as a private road. Rines noted technically the owner could apply for a Boundary Line Adjustment.

Board discussions ensued over number of lots of record, the deed and the right-of-way road. Rines noted deeds do not get created until the subdivision or boundary line adjustment are conveyed. The gravel pit was reclaimed as noted in the September 1988 minutes. Concerns were raised about potential buyers for lot 2, would be stuck with the expense of building of the right-of –way access road to specifications.

The Board advised Rines and the Maxfield's to apply for a subdivision. Rines commented with the subdivision application, they could propose the remaining land cannot be sold, unless it's sold with the right-of –way and put a condition on that if they develop anything more than a single, single- family home. they will have to build the road to provide access to the additional lots.

### **New Business:**

***At this, time Chairman - Billings: addressed the Applicant (under RSA 674:33) – If there is not a full 5 member board, even with alternates serving. The applicant has the option of postponing the hearing until all members are present. If the applicant chooses to proceed with the hearing, he/she should be advised that a 3- or 4- member board will not be grounds for an appeal hearing in the event the application is denied.***

Representing agent, Scott Lawler agreed to proceed with the four member Board.

- **Case # 18-1-SPR:** 1314 NH Route 16, LLC. Authorized agent is Scott A. Lawler of Norway Plain Associates, Inc. Tax map: 99 Lot: 22, 1300 NH Route 16 is seeking a SPR to build a self-storage facility of two units.
  1. A Waiver Request for no on-sight parking is proposed.
  2. A Waiver Request for no water supply because there is no office and will be unmanned.
  3. A Waiver Request for no septic system because there is no office and will be unmanned.
  4. A Waiver Request for no waste disposal because there will be no dumpster at the facility to encourage renters from disposing unwanted items on site.
  5. Special Use Permit is being sought to allow for greater than 20% lot coverage of impervious surface within the Water Resource Protection District.
  6. NHDOT Driveway Permit is pending.
  7. NDPES Construction General Permit (CPG) is needed from EPA for construction activity which disturbs more than 1 acre of land.

Representing agent, Scott Lawler informed the Board that the applicant back in October 2017, purchased Tax Map: 99 Lot: 22 as well as Lot: 20 & 21. The applicant is looking to develop the lot 22 for a two-unit self-storage facility. Unit one will 40 feet X 250 feet and unit two will be 20 feet X 270 feet. Per NHDOT, Lawler submitted revised plans because NHDOT disagreed with the proposed third driveway. So, the revised plans shows access to the units via the second driveway. Brian Keith provided a Wetland Study for the proposed project. The lot will have 39% impervious lot coverage, downcast lighting, and single pitched roof with a drip edge to flow water towards the south end of property to the stormwater catch basin. Security will be via access key code, security cameras and chain-link fence surrounding the property. Four

waivers submitted for no on-sight parking, no water or sewer supply, and no waste disposal. A Special Use application has also been submitted to allow for greater than 20% lot coverage of impervious surface within the Water Resource Protection District.

Board discussion addressed well and/or septic concerns from the prior house that used to be on this property. Snow removal will be pushed towards the south end to the storm water catch basin with 3 foot berms and silt fencing installation.

Chairman opened public input:

Cole & Judy Perry (abutter's), submitted a letter, received 02/20/0218, addressing concerns with fire suppression system, smoke detectors, lighting, drainage and flooding erodes towards their property which is within 90 feet behind the proposed self-storage facility, cemetery behind the Lawrence's house next door to his house and the need of a 5 foot chain-link fence.

Scott Lawler and John Pearson addressed each of the concerns to the Perry's and Planning Board's satisfaction. The Perry's have agreed to continue discussions as any issues may arise.

The Board reviewed the application for completeness. All documents are present and signed.

A **Motion** by Billings to accept the application for Site Plan Review as complete. Legendre seconded. No further discussion. A unanimous vote was taken by show of hands.

Special Use Permit is being sought to allow for greater than 20% lot coverage of impervious surface within the Water Resource Protection District.

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

Discussion: Billings has concerns that there may still be a well & septic on the property, and if so, it will need to be decommissioned.

Conditions to be imposed:

1. Water & Sewer department to determine if there is a well and to decommission, if found.
2. If Leech field exist at the old foundation and to decommission, if found.
3. Submit revised plat plans for Planning Board signature
4. Fire Chief letter
5. Hours of operation will be 7:00 am – 9:00 pm daily.
6. No water and sewer are to be added in the future
7. Federal, State and Local Regulations must be followed.

Waivers Requested:

1. A Waiver Request per section 8.01.2B & 8.01.2C for no on-sight parking is proposed.

A **Motion** by Otterbach to approve A Waiver Request for no on-sight parking is proposed. Legendre seconded. No further discussion. A unanimous vote was taken by show of hands.

Legendre and Otterbach respectively withdrew their motion.

A **Motion** by Billings to approve a Waiver Request per section 8.01.2B & 8.01.2C for no on-sight parking is proposed. Legendre seconded. No further discussion. A unanimous vote was taken by show of hands.

2. A Waiver Request per section 8.03.1C for no water supply because there is no office and will be unmanned.

A **Motion** by Billings to approve a Waiver Request per section 8.03.1C for no water supply. Barron seconded. No further discussion. A unanimous vote was taken by show of hands.

3. A Waiver Request per section 8.03.1C for no septic system because there is no office and will be unmanned.

A **Motion** by Billings to approve a Waiver Request per section 8.03.1C for no septic system. Barron seconded. No further discussion. A unanimous vote was taken by show of hands.

4. A Waiver Request per section 8.02.C for no waste/trash disposal because there will be no dumpster at the facility to encourage renters from disposing unwanted items on site.

A **Motion** by Billings to approve a Waiver Request per section 8.02.C for no waste/trash disposal. Barron seconded. No further discussion. A unanimous vote was taken by show of hands.

A **Motion** by Barron to approve the Special Use application. Legendre seconded. No further discussion. A unanimous vote was taken by show of hands.

A **Motion** by Billings to Conditionally Grant a Site Plan Review for **Case # 18-1-SPR**: 1314 NH Route 16, LLC. for Tax map: 99 Lot: 22, located at 1300 NH Route 16 for a Site Plan Review to build a self-storage facility of two units with the following conditions:

1. Water & Sewer department to determine if there is a well and to decommission, if found.
2. If Leech field exist at the old foundation and to decommission, if found.
3. Restrict Hours of operation between 7:00 am – 9:00 pm daily.
4. Fire Chief letter
5. No water and sewer added to the lot per approval of Special Use and Waivers granted.
6. Submit revised plat plans for Planning Board signature
7. Federal, State and Local Regulations must be followed.

Barron seconded. No further discussion. A unanimous vote was taken by show of hands.

### **Old Business:**

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

**Notices:** Billings read notices to the Board.

ZBA Cases:

- **Case # 18-2-V:** Stephen Ingham Revocable Trust, c/o White Mountain Survey & Engineering, Inc., as the Representing Agency for 54 Ridge Road. Tax Map: 35 Lot: 10 has been **GRANTED** a Variance
- **Case #18-1-Motion for Rehearing:** 56 Main Street Ossipee, LLC, of 56 Main Street. Tax Map: 92 Lot: 122, has been **GRANTED a Motion for Rehearing** of a ZBA decision for Variance application submitted by Ossipee Granit Recovery, LLC Rehearing date is scheduled for **Thursday, March 15, 2018**

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

Billings asked McConarty the status Ossipee Mountain Grille and owner, Tony Ouellette. McConarty noted the situation was brought to the ZBA, who have notified Mr. Ouellette that he needs to apply for a Variance for his structures not being built according to 2013 plans. McConarty noted back in 2013, the Planning Board never should have allowed this to be built without having a Site Plan Review. Billing asked about the fence and needing an official definition of measuring a fence. McConarty stated that Mr. Ouellette is going to make the fence below six feet, so that discussion is mute at this point.

**Adjournment:**

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

Next Meeting: **March 6, 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<br>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<br>/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<br>/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<br>/O'Reilly Auto Parts | SPR granted pending remaining conditions: #3: All Federal, State and Local Regulation shall be followed. <b>Pending</b>  |