

**OSSIPEE PLANNING BOARD
MEETING MINUTES
April 3, 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 7:00 PM.

Pledge of Allegiance: was recited

Attendance by Roll Call: – Connie Billings-Chairman, Roy Barron-Vice Chair, Dennis Legendre, Peter Zavas, Tim Otterbach, Martha B. Eldridge-Selectmen's Rep., Rick St. Jean and Steve McConarty (ZEO).

Chairman opened the public meeting.

Meeting Minutes: Review to approve Meeting Minutes of 03/06/2018.

A **Motion** by Barron to approve the minutes of 03/20/2018 Planning Board meeting. Legendre seconded. No discussion. All voted in favor by show of hands.

Guest: **Ossipee Aquifer Advisory Committee**, (OAAC): Blair Folts of Green Mountain Conservation Commission, (GMCG) and Rich Fahey did a presentation of how the Ossipee Aquifer Advisory Committee along with Green Mountain Conservation Group are working to collaborate with community and municipal members to create guidelines for the protection of the Ossipee Aquifer. The seven town committee from Eaton, Effingham, Freedom, Madison, Ossipee, Tamworth, and Sandwich will work to ensure the protection of the Ossipee Aquifer and to assist communities with regional water resource protection. The goals for this year is to invite town municipal officials to designate a representative from that town to serve on the final board and 2-3 members to be on the committee. Blair Folts presented the Board with the Ossipee Lake Watershed Management Plan Phase II report and extended an invitation to a pancake breakfast to be held on May 5th at the Ossipee Town Hall followed by a conversation with Steve Whitman on to plan for growth to protect the aquifer.

Financial:

- Budget Report – 1/01/2018 – 3/31/2018 - Planning Board reviewed.

Unsatisfied Conditions: (continued from previous PB Mtgs):

- See separate sheet with details.
- **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 receive a Conditional SPR approval on 02/20/2018 pending 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. 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.

Billings acknowledged a signed letter from the Fire Chief with his approval and if the Board would refer to the plans, page CI, under Notes: #15 – 18 addresses and satisfies the remaining conditions.

A **Motion** by Barron to grant Final Site Plan Review approval with conditions met and that all Federal, State and Local Regulations must be followed. Otterbach seconded. No further discussion. A unanimous vote was taken by show of hands.

New Business:

- Master Plan: Billings called for any thoughts for the Master Plan revision. Otterbach agreed with Billings suggestions of outlining a table of content and then gathering information for each item. Billings suggested starting with:

1. Introduction
2. Brief history
3. General Summary – per Department
4. Visions – per Department

Legendre suggested a short 10-15 questionnaire asking for the Town's people opinion and input because this is their Master Plan not the Boards or Committee's and they should have a say. Billings thought Ossipee Listens may have this information already. Billings clarified with Ash Fischbein in fact it was Economic Development Counsel's Envision Night where questionnaires were gathered.

Per Ash Fischbein, results are pending but suggested the Board put an official letter together for the current 11 departments within the master plan. Informing them the Planning Board is working on the master plan and needs everyone's cooperation pulling the information together.

Legendre suggested all Departments, Boards and Commissions meet 1-2 times a year to brain storm and work together.

Billings stated he and the secretary will put a letter together for the current 11 departments asking for input for the Master Plan and asking their interest in meeting once or twice a year to brain-storm ideas for making Ossipee better.

Informal Discussion:

- Jake Dawson -Laundry Mat: Jake Dawson was not present so Billings moved for Ash Fischbein to speak on the Hobb's Distillery. Ash Fischbein requested to know who asked Jake Dawson to be on the agenda for tonight because he texted Jake to inform him but Jake was unaware he was to attend.

Steve McConarty requested Jake Dawson and the Laundry Mat to be added to the agenda for a letter to be sent by the Planning Board addressing the conditions agreed upon at the informal discussion. McConarty reminded the Board that the dry cleaner side of the building would not be used unless he came before the PB for a full Site Plan Review.

Billings read the excerpt from the PB minutes of November 7, 2017:

"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."

Discussion ensued over the storage of lawn care equipment containing fuel in the former dry-cleaning side of the building with no fire walls. Ash Fischbein and Dallas Emery continually asked if Dawson could start operating the Laundry Mat until everything else is settled.

McConarty stated as of today, a Cease & Desist was issued because no permits have been issued and work continues to ensue. The State Inspectors are coming next Thursday, to inspect the electrical because it's a dangerous building. No date has been determined for the State gas inspectors and Fire Chief's Inspection. All this needs to be done before even the laundry mat can open.

Billings noted since there is a second business now in the building with ABC Lawn Care. Dawson must come in for a full Site Plan Review. Discussion ensued. Billings discontinued the discussion without Dawson present to represent himself.

A **Motion** by Otterbach for the Planning Board to write a letter to Mr. Dawson requiring him to submit an application for a full Site Plan Review for having multiple businesses within the building. Barron seconded. No further questions. A unanimous vote was taken by a show of hands.

- Hobb's Distillery – Ash Fischbein for the Mountain Grainery property at 755 Route 16 presented for a change of plans for the distillery to change it into a brewery. Fischbein stated his plan is to fill the foundation, add a slab, and put a Morton building on the location following the height requirements according to zoning ordinance. The foot print and tasting room will remain the same. He has eliminated the two Rickhouses, initially approved. Adjustments to the asphalt in the parking areas. Overall, square footage will be lowered from 10,000+ to approximately 8900-9300 square feet. Fischbein has spoken with the Fire Chief about not needing the sprinkler system, since they will be below capacity. Funds saved will be re-allocated to the production of brewery.

Board discussion around water usage was briefly addressed. Scott Lawler of Norway Plains Associates, LLC will address in the plans and with the NHDES.

Fischbein addressed Part II of his plan: Due to timing and arrangements made with Morton's Building to set up and East Coast for filling the foundation. He spoke with Zoning Officer and because their building permit expired March 2018 and since they had prior SPR approval. Fischbein requested the Board to grant him the approval to start with getting the foundation filled.

Billings polled the Board for those in favor of allowing the filling the foundation under the old SPR and Fischbein is required to apply for an Amended SPR before concrete is poured.

Zavas – Yes Barron – Yes Eldridge – Yes Legendre – Yes Otterbach - Yes

Billings reported you have the Boards blessing to fill the foundation in but any other changes require an Amended SPR. Fischbein will contact McConarty in the morning for a permit.

Old Business:

Gravel Pits: Billings noted two of the three return receipts have come back, still pending the Gary Coyne Pit.

- **Gary Coyne Pit:** Permit expired 11/17/2015 – Certified Letter sent 03/29/2018.
- **Berry Pit:** Permit expired 04/20/2016 – Certified Letter sent 03/29/2018.

Billings noted according to Planning Board records the permit expired for this pit but the Board of Selectmen have signed an Intent to Excavate. When Billings questioned the Selectmen, he was informed it's up to the Planning Board to inform the Selectmen of expired permits, since the Planning Board is the regulator of gravel pits.

Billings noted according to RSA 155: E and Ossipee Excavation Regulations, Section 8.1(B) page 14, Granting of Permit; *"A permit shall be valid for a maximum of six (6) years and the expiration date shall be specified. A plan update showing current reclamation status and further planned reclamation shall be required every two (2) years, to be verified by an independent professional engineer at the Applicant's expense, to be filed within 30 days of the permit's anniversary date."*

A **Motion** by Barron to issue a letter to all the gravel pits addressing Ossipee Excavation Regulations, Section 8.1(B) page 14, for Granting of Permits and to cite the regulation in the letter. Otterbach seconded. No further discussion. A unanimous vote was taken by show of hands.

- **Ambrose Bros. Pit:** Permit due to expire 10/16/2018 – Certified Letter sent 03/29/2018.
- **Morse Pit:** – Status Quo - Pending legal process of Original Reclamation plan and Court Order.

Intent to Excavate:

- Town of Ossipee, Ossipee Aggregate Pit on Route 16. Tax Map: 130 Lot: 10. Total acreage of Lot: 300. Total Permitted area is 25 acres, Phase I. Excavation area is 3 acres. Reclaimed area is 0 acres. Remaining cubic yards of Earth to Excavate is approximately 8,292,685 cu. yds. Estimated cubic yards of sand is 7,315 cu. yds. To be done by R. Sampson of Boston Sand. Taxes paid.
- Town of Ossipee, Jeddrey Pit at Polly's Crossing Rd. Tax Map: 244 Lot: 2. Total acreage of Lot: 106.1. Total Permitted area is 18.70 acres. Excavation area is 7.0 acres. Reclaimed area is 10 acres. Remaining cubic yards of Earth to Excavate is approximately 175,000 cu. yds. Estimated cubic yards of gravel is 25,000 cu. yds. and stone products is 10,000 – 15,000 cu. yds. To be done by John Jeddrey. Taxes paid.

Before McConarty left for the night, Zavas asked McConarty for an update on O'Reilly Auto Parts. McConarty stated permits and plans are in place pending NHDES approvals.

Zavas asked McConarty for an update on Verizon/H&R Block. McConarty replied their working with the alarm company to install fire detection in order to comply with the Fire Chief's recommendations before the Fire Chief will provide final approval.

Form Revisions:

- **Subdivision Regulations** – the Board is to review for any changes for the next meeting.
- **Excavation & Reclamation Regulations** – the Board is to review for any changes for the next meeting.

A **Motion** by Billings to re-appoint Roy Barron as the representing agent for the Planning Board for the inspections of the gravel pits. Otterbach seconded. No discussion. A unanimous vote was taken by a show of hands.

• **Excavation Site Inspection Report** form: The Board reviewed the form. Otterbach questioned if how much gravel is removed could be added to the form. Barron and Billings pointed out that information is collected on the "Intent to Excavate" forms the Board of Selectmen approve. Otterbach requested

clarification if the date line at the bottom of the page is for the date of the inspection or the date Barron completes the form. The secretary stated, it's the date Barron completes the form.

A **Motion** by Billings to approve the **Excavation Site Inspection Report** form as drafted. Otterbach seconded. Discussion: Barron questioned the need for the written report. Billings explained per the RSA, the Planning Board and/or representing agent is required to inspect the pits once a year and submit a written report. With no further discussion. All others voted in favor by a show of hands. Barron abstained. Motion passed.

A brief discussion on why and where all these forms are coming from. Billings explained the forms have been in existence but were never used and now that the secretary is revising the regulations. She's coming across these forms that should have been utilized all along. The Board noted these forms are being revised from a 2009 version and commented they had not seen them before.

Special Use Permit Notification: Billings questioned if there was a similar form for a Site Plan Review. A brief discussion on if the Ossipee Zoning Ordinance requires a Special Use Application be notified. Billings reported read Zoning Ordinance 20.3.3,

"20.3.3. Upon acceptance of the completed Special Use Permit application, the Planning Board shall transmit one copy each to the Board of Selectmen, Fire Department, Zoning Board of Adjustment, and Conservation Commission for their written recommendations."

Barron questioned, if email was acceptable or does it need to be in written form.

A **Motion** by Barron to approve submitting Special Use Permit application notifications via email. Otterbach seconded. Discussion: Billings anted to amend the motion. Otterbach withdrew his second and Barron withdrew his motion.

A **New Motion** by Billings to approve submitting Special Use Permit application notifications via email or by regular mail. Otterbach seconded. No further discussion. A unanimous vote was taken by show of hands.

- **Excavation Permit form:**

The Board reviewed RSA 155-E: 8 for the permit fee to exceed \$50.00. While reviewing RSA 155-E: 10 entitled Enforcement. Board discussion ensued over Barron's authority as the representing agent for inspections and his immediate contact for any violations while inspecting a gravel pit.

A **Motion** by Zavas for Barron to report to the Planning Board for any violations of the excavation permit. No one seconded the motion. The motion is dead.

Barron was given authority to "Suspend" a permit for violations and instruct the Gravel Pit owner to come before the Board to explain and remedy the violation. If the owner refuses, Barron has the authority to notify the Planning Board and contact Mary Pinkham-Langer, NHDRA, who has the authority to issue a Cease & Desist on the Gravel Pit.

A **Motion** by Billings to approve the **Excavation Permit** form as drafted. Legendre seconded. No further discussion. A unanimous vote was taken by show of hands.

A **Motion** by Billings to have the secretary add a page to the **Excavation & Reclamation Regulations** listing each of the approved forms as a checklist for the Planning Board when reviewing to approve an Excavation application. Barron seconded. No further discussion. A unanimous vote was taken by show of hands.

Notices: Billings announced the Spring Planning & Zoning Conference – Saturday, April 28th.

Any Other Business Which May Come Before This Meeting

Billings called for any other business. None was had.

Adjournment:

A **Motion** by Billings to adjourn the meeting. Barron seconded. No further discussion. A unanimous vote was taken. The meeting adjourned at 8:55 PM.

Next Meeting: **April 17, 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 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
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. Received 01/16/2018 Pending final official letter from Fire Chief.
PB	12/05/2017	Hutton Partners /O'Reilly Auto Parts	SPR granted pending remaining conditions: #1: Pending all Federal , State and Local Permits accepted and approved by the State and Town. Pending
PB	12/05/2017	Hutton Partners /O'Reilly Auto Parts	SPR granted pending remaining conditions: #2: Pending all Federal , State and Local Permits accepted and approved by the State and Town. Pending
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. Pending