

OSSIPEE PLANNING BOARD
MEETING MINUTES
May 1, 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, Tim Otterbach, Martha B. Eldridge-Selectmen's Rep., and Steve McConarty (ZEO).

Late Arrival: Peter Zavas

Members Absent: Rick St. Jean

Billings opened the Public Hearing for subdivision regulation revisions.

PUBLIC HEARING

TO ADOPT REGULATION REVISIONS

Billings read the proposed changes as follows:

- **Subdivision Regulations:** the secretary explained the changes made to page 17, Article 6.14 Fees. As follows:

6.14 Fees

(**STRIKE**) 6.14.1 All costs of notices whether mailed, posted or published shall be paid in advance by the applicant. Failure to pay such costs shall constitute valid grounds for the Planning Board to terminate further consideration and disapprove the plans without a public hearing. The fees schedule shall be indicated on the current application form.

(Replace) 6.14.1 with the following:

Payment to cover all costs pertaining to a Subdivision/Boundary Line Adjustment includes an Application Fee, Public Notice Fee and Current First Class Postage Rate plus \$1.00 for each Certified Mail Fee, Return Receipt Fee (for each abutter, owner, applicant, and agent). Refer to the Fee Schedule.

(**STRIKE**) 6.14.2 All preliminary applications for subdivisions or boundary line adjustments shall be accompanied by a review fee of fifty (50) dollars.

- (**STRIKE**) 6.14.3
- A. A Completed Application for final approval of a subdivision shall be accompanied by a filing fee of seventy-five (75) dollars per unit or lot.
 - B. A Completed Application for final approval of a boundary line adjustment shall be accompanied by a filing fee of seventy-five (75) dollars.
 - C. All Completed Applications shall be accompanied by a recording fee of thirty (30) Dollars per plan to be recorded.

A **Motion** by Billings to accept the revision to 6.14.1 Fees as read. Barron seconded. Billings called for Board discussion. None was heard. Billings called for public discussion. None was heard. Billings called for a vote. All others voted in favor by a show of hands. Billings abstained. **Motion passed.**

Barron read the proposed changes to the Excavation & Reclamation Regulations as follows:

- Earth Excavation & Reclamation Regulations

PAGE 6

4.3 Fee Schedule

- A. ~~(Strike)~~ Excavation Fee - \$50.00
(Add) Excavation Application Fee – Per Fee Schedule
- B. ~~(Strike)~~ Abutter Notice Fee – As specified in the Application form.
(Add) Current First Class Postage plus \$1.00 along with Certified Mail Fee and Return Receipt Fee (for each abutter, owner, applicant, agent) – Per Fee Schedule
- C. ~~(Strike)~~ Public Notice Fee – \$50.00
(Add) Public Notice Fees – Per Fee Schedule
- D. All additional expenses actually incurred by the Regulator including, but not limited to, expert fees, legal fees and investigatory expenses shall be the responsibility of the Applicant and/or the property owner. No permit shall be issued until payment of such expenses has been received by the Town.
- E. (Added) Excavation Permit Fee - \$50.00 (*per RSA 155-E:8*)

4.4 ~~(STRIKE)~~ Bond (Add) Reclamation Fees

~~(Strike)~~ A cash bond ~~(Replace with)~~ Cash or Cashier's Check reasonably sufficient to guarantee compliance with the permit shall be posted with the Town Treasurer prior to the issuance of an excavation permit. ~~(Strike)~~ The bond ~~(Replace with)~~ Cash or Cashier's Check must be sufficient to guarantee:

- A. Compliance with the terms and conditions of the permit.
- B. Reclamation of the area to be excavated on a yearly basis in accordance with Section 5.2 of these Regulations.
- C. Maintenance of the area to be excavated on a yearly basis in accordance with Section 5.2 of these Regulations.
- D. Maintenance and/or reclamation of access roads in accordance with Section 6.2 of these Regulations. The amount of ~~(Strike)~~ bond ~~(Replace with)~~ cash or cashier's check or shall be set by the Regulator at the time of permit issuance and will be based on current per acre costs of reclamation plus the cost of road maintenance, as determined by the Regulator, for a period to extend one year beyond the duration of the permit.

All ~~(Strike)~~ bonds ~~(Replace with)~~ cash or cashier's check acceptable to the Regulator shall be in an amount equal to 100 percent of the estimated costs of reclamation and access road maintenance. The Applicant shall reimburse the Town for all legal costs associated with the review of any ~~(Strike)~~ bond ~~(Replace with)~~ cash or cashier's check submitted to Regulator. ~~(Strike)~~ bond ~~(Replace with)~~ Cash or Cashier's Check shall not be released until after the Regulator has made a site inspection and certifies the completion of the required reclamation in accordance with the reclamation plan. The site inspection shall occur within 12 months after the initial seeding has been completed.

“Adoption Verification:

These regulations have been adopted by the Ossipee Planning Board on May 1, 2018, after a duly notified public hearing held on May 1, 2018.

Planning Board Certification (majority of signatures required)

_____ **Condict “Connie” Billings, Chairman**

_____ **Roy Barron, Vice Chairman**

_____ **Dennis Legendre, Member**

_____ **Peter Zavas, Member**

_____ **Tim Otterbach, Member**

_____ **Martha B. Eldridge, Selectmen’s Rep.**

Jim Rines asked for clarification that gravel pit owners will not be able to secure payment through a Bond. Billings explained due to non-payments of previous bonds the method of payment was changed approximately 3 years prior but the regulations were never changed to reflect the change.

A **Motion** by Billings to accept the Excavation & Reclamation Regulation revisions to 4.3 (A – E), 4.4 (A – D), the Excavation & Reclamation Checklist and the Gravel Pit Form Letter as read and per RSA 155:3. Barron seconded. Billings called for Board discussion. None was heard. Billings called for public discussion. None was heard. Billings called for a vote. All others voted in favor by a show of hands. Billings abstained. **Motion passed.**

Chairman Billings opened the regular Planning Board public meeting for May 1, 2018 at 7:12 pm.

REGULAR PUBLIC MEETING

Informal Discussion: Mark McConkey initially requested an informal discussion with the Planning Board but had since obtained his answers and subsequently, thanked the Planning Board for making time to meet with him.

Meeting Minutes: Review to approve Meeting Minutes of 04/17/2018.

A **Motion** by Barron to approve the minutes of 04/17/2018 Planning Board meeting. Otterbach seconded.

Discussion. Billings wanted to amend the minutes to include “Stationary Pit and Grandfathered” to page 3 to state “Ossipee Aggregates Pit, Route 16. Tax Map: 266 Lot: 007. Total acreage of Lot: 1318. **Stationary Pit.** Date of Permit: **Grandfathered** (per RSA 155:E2, I (d) – 05/02/2002. Total Permitted area is 1318 acres.” Otterbach and Barron withdrew their motion.

A **Motion** by Billings to approve the minutes of 04/17/2018 Planning Board meeting as amended. Barron seconded. No further discussion. All others voted in favor by a show of hands. Billings abstained. **Motion passed.**

Financial:

- Budget: 04/01/2018 – 04/30/2018
- Sager & Smith, PLLC – Statement to Planning Board for General Matters - \$0.00 balance due.

A **Motion** by Billings to expend \$0.00 to Sager & Smith, PLLC for General Matters. Otterbach seconded. No discussion. All others voted in favor by a show of hands. Billings abstained. **Motion passed.**

Unsatisfied Conditions: (continued from previous PB Mtgs):

- See separate sheet with details. Status quo
- **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 has received permits and final plans approval by the State of NH and submitted to the Planning Board for final SPR approval with conditions met.

A **Motion** by Billings to grant final Site Plan Review approval to Solli Engineering for owner Hutton Team, LLC. 901 Route 16. Tax Map: 123 Lot: 061/001 for final SPR approval with conditions met. Barron seconded. No further discussion. All others voted in favor by a show of hands. Billings abstained. **Motion passed.**

- Valley Point – Jim Rines provided an update on the permitting process for Valley Point. The underground storage tank permit has been approved. Revised plans for the traffic pattern for Route 25 and Route 41 are pending with the Traffic Engineer.

Peter Zavas arrived at 7:18 pm.

New Business:

- **Case # 18-2-SPR:** Ossipee Mountain Estates Cooperative (OMEC), owner – Ed Vergato, Tres. & Dave Krygeris, VP of 7 Mountain View Rd. Tax Map: 54 Lot: 002 is applying for a Site Plan Review – Minor for the intent of the Water System Improvements project to construct a new water system storage tank, pump station, replace existing water system main and service pipes.

Ed Vergato, Treasurer of Ossipee Mtn. Estates was present and presented the plans to construct a new water system storage tank, pump station, and replace existing water system main and service pipes. Billings stated he did not believe the application was complete pending an inspection letter from the local Fire Chief.

The Board took several minutes to review the application and plans. Billings questioned if the existing maintenance building would remain. Mr. Vergato agreed it would remain. Board discussion concerning the propane tank and need for a letter from the Fire Chief ensued. Steve McConarty, Zoning Enforcement Officer concurred the need for the letter.

A **Motion** by Barron to accept the application as Conditional and Conditional approval of the plans pending the Fire Chief's letter of inspection. Eldridge seconded. Discussion concerning any abandoned tanks must be sand filled in accordance with NHDES requirements. Current well heads will be raise three (3) feet above ground level. No further discussion. All others voted in favor by a show of hands. Billings abstained. **Motion passed.**

Billings requested the Fire Chief's letter by the next meeting on May 15th.

- **Case # 18-1-Subd:** Maxfield Property Holdings, Inc. c/o Representing Agent Jim Rines of White Mtn Survey & Engineering, Inc., for 1230 Route 16. Tax Map: 101 Lot: 1 is seeking a Subdivision of 5.01 acres for Lot: 1 from the remaining Lot: 2 of 23.84 acres. The applicant is also seeking 5 waivers from the Subdivision Regulations.

Jim Rines of White Mtn. Survey & Engineering, Inc. presented the proposed subdivision plans for 1230 Route 16. Rines explained Maxfield Property Holdings would like to subdivide 5.01 acre lot, to be Lot 1,

from a 28.85 acre lot, with the remaining to be Lot: 2 of 23.84 acres. Rines noted during a non-binding informal discussion with the Planning Board back in February. The consensus of the Board was agreeable provided a note entry restricting the remaining property (Lot 2) development beyond a single family home would require construction of the access road up to Town standards. Rines read through the requesting waivers as follows:

- Lot: 1
 - 8.01.N – for topography 200 ft. beyond proposed Lot 1 and proposed Lot 2, the remaining land.
 - 9.05.P – for location of all natural and man-made features 200 ft. beyond the proposed Lot 1 and on Lot 2, the remaining land. Justification is there is no physical changes proposed beyond the proposed change to the boundary lines.
- Lot: 2
 - 8.01.L – for wetland delineation of all remaining land.
 - 9.05.L – for location of remaining boundary. Justification is because lot 2 was previously surveyed and felt the cost to have it surveyed again outweighed the benefit since there is no changes being made except to the boundary line adjustment to lot 1.
 - Request a waiver to sending a copy of the plan to the electric company as requested on the checklist until remaining land is developed. Proposed Lot 1 is fully developed.

A **Motion** by Billings to accept the application as complete except for the waivers. Barron seconded. No discussion. All others voted in favor by a show of hands. Billings abstained. **Motion passed.**

Board discussion involved clarification if the access road is part of Lot 1 according to the Deed. Rines noted it is documented on the plans that according to Gonyou Brothers Deed #1606832, they will remain to have right of way access to the road as recorded. After discussion and Joe Deighan acknowledgement of a maintenance agreement between both property owners at the Registry of Deeds. The right of way road access will remain in existence.

Billings read Subdivision Regulation 8.01.N.

A **Motion** by Billings to approve the request to waive Subdivision Regulation 8.01.N – for topography 200 ft. beyond proposed Lot 1 and proposed Lot 2, the remaining land. Barron seconded.

Discussion: Joe Deighan asked the Board to not grant any waivers that limits the liability of the front parcel (Lot 1) for any topography, water run-off and anything allowing them to get away with contouring the land. Deighan believes due to the properties across the street from his property and the State re-contouring the Route 16, he believes it's causing water run-off to flow towards his property.

Rines interjected stating they have already provided the topography Mr. Deighan is referencing and they are asking a waiver to not have to provide topography beyond the 200 feet boundary limits. Billings closed discussion and called for a vote.

Billings read the motion again and called for a vote. Those voting in favor were Zavvas, Barron, Eldridge and Otterbach. Legendre did not understand what the issue is with not providing topography beyond the 200 feet limits. Billings explained and Legendre understood and voted in favor of granting request for waiver 8.01.N. Billings abstained. **Motion passed.**

Billings read Subdivision Regulation 9.05.P.

A **Motion** by Barron to approve 9.0.5.P – for location of all natural and man-made features 200 ft. beyond the proposed Lot 1 and on Lot 2, the remaining land. Justification is there is no physical changes proposed beyond the proposed change to the boundary lines. Otterbach seconded.

Discussion: Deighan asked if this was beyond the 200 feet of the property boundaries. It was explained to Deighan this is for 200 feet beyond natural features. Deighan asked if he could request topography to go beyond the required limits. He was informed it could not because it's not in the regulations.

No further discussion. A unanimous vote was taken by a show of hands. **Motion passed.**

Billings read Subdivision Regulation 8.01.L.

A **Motion** by Barron to approve request for waiver 8.01.L - for wetland delineation of all remaining land. Otterbach seconded. No discussion. All others voted in favor by a show of hands. Billings abstained. **Motion passed.**

Barron read Subdivision Regulation 9.05.L.

A **Motion** by Barron to approve request for waiver 9.05.L – for location of remaining boundary. Justification is because lot 2 was previously surveyed and felt the cost to have it surveyed again outweighed the benefit since there is no changes being made except to the boundary line adjustment to lot 1. Otterbach seconded.

Discussion: Deighan asked what the reference of 5,000 stands for. Rines replied it's the error of closure, so it's a standard of one foot of error for every 5,000 feet of boundary. Rines illustrated and noted the reference on the plans.

No discussion. All others voted in favor by a show of hands. Billings abstained. **Motion passed.**

Billings asked if the boundaries were pinned. Rines explained where pins were placed and not placed.

A Motion by Barron to request a waiver to sending a copy of the plan to the electric company as requested on the checklist until remaining land is developed. Proposed Lot 1 is fully developed. Otterbach seconded. No discussion. All others voted in favor by a show of hands. Billings abstained. **Motion passed.**

Discussion of how to resolve the water issues on Deighan's property and whether it's cause by NHDOT reconditioning the road or is a culvert issue. Billings requested clarification of the zoning for this property. Rines explained Lot 1 is Roadside Commercial and Lot 2 is Rural.

Point of Order by Deighan stating Lot 2 is not Rural it's actually Roadside Commercial and was passed through Town Election. Billings noted it was amended March 10, 2015 on Zoning Ordinance 3.3.

A **Motion** by Billings to grant Conditional Subdivision approval for **Case # 18-1-Subd:** Maxfield Property Holdings, Inc. c/o Representing Agent Jim Rines of White Mtn Survey & Engineering, Inc., for subdivision of 1230 Route 16. Tax Map: 101 Lot: 1 to subdivide 5.01 acres for Lot: 1 and the remaining Lot: 2 of 23.84 acres. Pending submittal of revised plans noting the removal of Rural zoning on Lot 2 and noting Zoning of Roadside Commercial for Lot 2. Otterbach seconded. No further discussion. All others voted in favor by a show of hands. Billings abstained. **Motion passed.**

Old Business:

Master Plan:

- Table of Contents: Otterbach handed out the table of contents second draft.
- Master Plan Adoption Statement: Otterbach handed out the first draft of the Master Plan Adoption Statement. The Board is to read over the statements and make any suggestions for revision for the next meeting.
- Vision Statement: Otterbach handed out the first draft of the Vision Statement. The Board is to read over the statements and make any suggestions for revision for the next meeting.
- Chapter 1 – History: Otterbach suggested using the existing 2006 History section. The secretary reported this section is already done utilizing the existing 2006 History section by Ted Cook.

Gravel Pits:

- **Berry Pit**: Permit expired 04/20/2016 – Jim Rines requested to address the Board on behalf of Ernest Berry. Rines explained the status of the pit. Billings explained the Planning Boards position and need for updating the records. Rines will assist Mr. Berry on renewing his gravel permit.
- **Ambrose Bros. Pit**: Permit due to expire 10/16/2018 – Intent to Excavate received.
- **Morse Pit**: – Status Quo - Pending legal process of Original Reclamation plan and Court Order.
- Draft Checklist for Excavation & Reclamation Sites – approved with the Excavation & Reclamation Regulations.
- DRAFT Letter to Pits – approved with the Excavation & Reclamation Regulations.
- Contractor quotes for the Excavation & Reclamation Cost Estimate (need a minimum of 3 quotes)

Intent to Excavate:

- Tilton Sand & Gravel/ Pike Pit, Route 16. Tax Map: 250 Lot: 008. Total acreage of Lot: 71. Date of Permit: Grandfathered (per RSA 155:E2, I (d)). Total Permitted area is 117 acres. Excavation area is 3.4 acres. Reclaimed area is 1 acres. Remaining cubic yards of Earth to Excavate is (not listed) cu. yds. Estimated cubic yards of sand 40,000 cu. yds. Estimated cubic yards of gravel is 40,000 cu. yds. Estimated cubic yards of loam is 1,500 cu. yds. Estimated cubic yards of Stone products is 0 cu. yds. To be done by Jonathan Oakes – Pike Industries, Inc. Taxes paid.

Notices:

The Town of Ossipee is accepting recommendations for Employee of Year selections until May 14, 2018.

Any Other Business Which May Come Before This Meeting:

- Billings requested *if* the Zoning Enforcement Officer *monitors* the 2 year validity of ***Site Plan Reviews***. ***McConarty replied he does not***. In order to keep track of approved projects but if the construction is not started or significant progress has been made in accordance with Zoning Ordinance 9.5 and 9.6, the project approval would be null and void.
- Billings noted Riding's Auto is looking to move to the Brooks Building. Discussion ensued over if a Site Plan Review would be required. After discussion, the majority of the Planning Board were in favor of requesting the owner to come before the Planning Board for an informal discussion to propose his plans.

Adjournment:

A **Motion** by Billings to adjourn. Barron seconded. No discussion. A unanimous vote was taken by show of hands. **Motion passed.** **Meeting adjourned at 8:57 pm.**

Next Meeting/Public Hearing: **May 15, 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.