

**OSSIPEE PLANNING BOARD  
MEETING MINUTES  
May 15, 2018**

Minutes recorded by Chairman, Connie Billings 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 7:01 PM.

**Pledge of Allegiance:** was recited

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

**Members Absent:** Dennis Legendre, Peter Zavas and Laura Nash.

Chairman Billings raised Alternate, Rick St. Jean to voting status in place of Dennis Legendre.

**Guest:** Ash Fischbein, Chairman of the Ossipee Economic Development Council (OEDC), along with Matt Trahan, secretary and OEDC member Misty Ryder gave a presentation to the Planning Board. OEDC has gathered information from Envision Night, Voting Day, and through research on what residents of Ossipee want, and would support to help revitalize the Town. The top four projects are:

1. Walking / Historical Trails
2. Playgrounds at the Gazebo Park and Constitution Park.
3. Community Center
4. Solar / Hydro Power

OEDC presented options of resources and have researched avenues for possible funding and implementation. Although solid solutions are not thoroughly developed, the OEDC is hoping Town Leaders will take the data and resources and utilize them in their planning and stewardship of the Town.

Discussion ensued concerning of taxes increasing, building and on-going building of sidewalks. Otterbach commented on projects the Conservation Commission is working on and work being done on the Master Plan. Chairman Billings and Barron thanked the OEDC for their presentation and the work they are doing.

**REGULAR PUBLIC MEETING**

**Members:** Rick St. Jean request.

Chairman Billings read a letter of resignation by Rick St. Jean to the Board of Selectmen announcing his resignation from the Trustees of the Trust Fund.

Chairman Billings read a second letter of Rick St. Jean's interest in serving in the vacant position on the Planning Board.

Chairman Billings called for discussion. Barron noted he would be in favor of having Rick on the Board. Eldridge agreed. Chairman Billings noted whether St. Jean was a full member or an alternate his term would expire March 2019 and does not see the advantage of having him as a full member at this time. Barron disagreed and discussion ensued.

**Point of Order** by Otterbach, who stated the recommendation to the Board of Selectmen, comes from the Planning Board. So, it's only then the Select Board would vote on the recommendation from the Planning Board. Eldridge agreed.

A **Motion** by Barron to accept Rick St. Jean as a full member of the Planning Board. Eldridge seconded. No further discussion. Chairman Billings called for a vote. Barron and Eldridge voted in favor. Otterbach and Chairman Billings opposed. **The vote is tied thus the motion fails.**

A **Motion** by Otterbach to postpone this topic until the next meeting on June 5, 2018, when there is a full Board to give a fair and equal vote to Rick St. Jean. Chairman Billings seconded.

Discussion: Eldridge commented as hard as it is to get someone to volunteer to serve on these Boards and here you have a gentleman willing to volunteer. Chairman Billings noted Mr. St. Jean has been serving as an alternate and when he has been present and needed, he has been raised to voting status, and does not see where there would be a difference. Discussion ensued over how many members from one board can serve on another board.

Chairman Billings called for a vote of postponing until the next meeting. Chairman Billings and Otterbach voted in favor. Barron and Eldridge opposed. **The vote is tied thus the motion fails. Chairman Billings announced the Planning Board is taking no action on the appointment of Rick St. Jean.**

**Meeting Minutes:** Review to approve Meeting Minutes of 05/01/2018.

A **Motion** by Chairman Billings to postpone the approval of the May 1, 2018 minutes until the next meeting on June 5, 2018 because of amendments needed. Barron seconded. A unanimous vote was taken by a show of hands. Motion passed.

**Informal Discussion:** Van E. Hertel, Sr. of 617 Four Bays Drive, Nokomis Fl. Would like to discuss a possible subdivision of 95 Blake Hill Rd. (formerly Roland Park Rd.) Tax Map: 223 Lot: 003 of 70 acres, Land use is 1F Residence, and Zoning District is Rural Unimproved.

Jeff Hertel of Northern Exposure Real Estate, Inc. presented a letter of authorization to the Board to speak on behalf of Van Hertel, Sr. Mr. Hertel explained how his client is looking to possibly subdivide his acreage into four (4) lots. Mr. Hertel noted the property has recently been resurveyed. He presented a diagram of how much acreage each lot would be subdivided. Lot 1 would have +/- 24 acres with 250 feet of road frontage. Lot 2 would have +/- 14 acres with 320 feet of road frontage. Lot 3 would have +/- 13 acres with 320 feet of road frontage and Lot 4 would have +/- 19 acres with 715 feet of road frontage.

Board discussion on the location of the property and road maintenance in the winter ensued. Consensus of the Board to Mr. Hertel was as long as his client meets the criteria's for subdivision and zoning ordinances they have no problem with the subdivision of the property.

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

- See separate sheet with details. Status quo.

**New Business:** Chairman Billings moved on to the following cases:

- **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 was granted Conditional Approval for a Site Plan Review pending receipt of the Fire Chief's letter of approval.

Mike Duffy from Horizon Engineering made changes to the plans per the Fire Chief's request to move the generator two feet, which was done. Chairman Billings noted since the secretary is absent tonight; he does not have the Fire Chief's letter and cannot sign the plans until he has received the letter. Mr. Duffy noted his representative went to obtain a copy of the Fire Chief's letter. Chairman Billings rested this case until Mr. Duffy's representative returns with the letter.

Chairman Billings moved on to the following case;

- **Case # 18-1-Subd:** Maxfield Property Holdings, Inc. of 1230 Route 16. Tax Map: 101 Lot: 1 was granted a Conditional Subdivision pending revised plans. Revised plans received 05/02/2018.

A **Motion** by Chairman Billings to move the case from Conditional Subdivision Approval to Approved Subdivision of Maxfield Property Holdings, Inc. of 1230 Route 16. Tax Map: 101 Lot: 1. Barron seconded. No discussion. Chairman Billings abstained. All others voted in favor by show of hands. **Motion passed.** Chairman Billings noted the plans will be signed after the meeting.

Chairman Billings returned to the following case:

- **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 received a copy of the Fire Chief's Inspection letter.

A **Motion** by Chairman Billings to move **Case #18-2-SPR:** Ossipee Mountain Estates Cooperative (OMEC) of 7 Mountain View Rd. Tax Map: 54 Lot: 002 from a Conditional Site Plan Review Approval and grant a Final Site Plan Review Approval with all conditions met. Barron seconded. No discussion. Chairman Billings abstained. All others voted in favor by show of hands. **Motion passed.**

#### **Old Business:**

- Master Plan: Chairman Billings noted will not discuss tonight.
- Morse Pit: – Status quo still pending legal process of Original Reclamation plan and Court Order.
- Gravel Pits:
  - Ambrose Bros. Pit: Archer's Pond Rd. Tax Map: 231 Lot: 001. Total acreage of Lot: 66. Date of Permit (per RSA 155:E2, I (d) – 07/05/2012. Spoke with Mr. Ambrose on 05/02/2018 referencing the letter of Reclamation Renewal due October 2018. Mr. Ambrose is to submit a letter indicating the pit was never operational and not renew his permit.

Chairman Billings noted the pit is roughly (4) acres and no sand or soil has been removed.

#### **Intent to Excavate:** Chairman Billings read the following:

- Heckel Gravel Pit, Route 28. Tax Map: 124 Lot: 025 total acreage of Lot: 185. Date of Permit (per RSA 155:E2, I (d) – 01/19/2016. Total Permitted area is 12+ acres. Excavation area is 5+ acres. Reclaimed area is 0 acres. Remaining cubic yards of Earth to Excavate is approximately 308,931 cu. yds. Estimated cubic yards of sand is 20,000 cu. yds. To be done by Fred Heckel via Barb Buesser (POA). Taxes paid.

Chairman Billings mentioned sending a letter to Mr. Heckel addressing the need to start the reclamation process since he has exceeded the 5+ acres of excavation. Barron stated he will pay a site visit to determine if reclamation will be warranted and report to the Board his findings.

#### **Notices:**

ZBA Cases:

- **Case # 17-10-V:** McKenna was granted a variance for a shed.

- Case # 17-11-V: Kenny was granted a variance for a shed.
- Case #18-4-V: Ossipee Mountain Grille, LLC. (Continued until September 11, 2018 ZBA Mtg.)
- Case#18-3-V-Rehearing, Ossipee Granit Recovery, LLC (Continued until June 12, 2018 ZBA Mtg.)

### **Public Input:**

#### **Chairman Billings noted this discussion will be considered an Informal Discussion:**

1. Ash Fischbein presented on behalf of Jake Dawson with a letter of authorization to speak on his behalf. Fischbein stated Dawson presented for an Informal Discussion to re-open the laundry mat. Initially he was told he would need a full Site Plan Review if he was to open the former dry-cleaning side of the building. He later received a Cease & Desist Order for renting the former dry-cleaning side to ABC Lawn Care and renovating the building without permits. He later obtained his permits. Fischbein is here to represent Jake Dawson in obtaining a Site Plan Review.

Fischbein commented he has minutes from June 6, 1995 that a Site Plan Review was approved. He believes a full Site Plan Review is not warranted and has the plans from that file. Fischbein stated he would understand if an Amended Site Plan is required. Fischbein implied the property was once approved for (30) storage units in January 21, 2003.

Chairman Billings noted if the approval was for the storage area and the storage area has been uninhabited for two (2) years the variance is no longer valid.

Chairman Billings provided guidance by informing Fischbein or Dawson concerning any documentation and prior approvals, they may have concerning the property. They are to submit it all with a Site Plan Review Amendment outlining in detail all his plans for the property.

Discussion ensued over if a landscape business is allowed in the village district. Discussion continued with trying to outline the approvals granted to the property. Starting with, June 6, 1995 an Amended Site Plan Review was approved. In 2003, the Site Plan Review was amended again, which null and voided the 1995 Site Plan Review. Going forward, Fischbein was instructed to follow up with the Zoning Enforcement Officer, who will determine based on the information gathered whether to apply for an Amended Site Plan Review or a Variance.

2. **XXX**, who stated, Steve McConarty informed him to come in for an Informal Discussion. **XXX** noted a couple of properties on Route 16 (across from Crowell's) that are zoned Roadside Commercial. According to zoning there approved for self-storage and amusements. **XXX** noted amusement is anything where the public is charged for games, etc... His idea is for a summer fair where you bring in a company that offers amusement rides, outdoor movie theatre, inflatable obstacle course, etc... That operate for a week at a time.

Board discussion ensued over the outdoor theatre causing a distraction along Route 16 in this area. The screen would have to meet the 40 foot setback. **XXX** was informed he would need to apply for a Site Plan Review per the Outdoor Event Ordinance to hold more than one event per summer.

**Point of Order** by Ash Fischbein, who stated, it is only if the event is once per year. More than once a year, or continuance, he would need a Site Plan Review. The ordinance is restricted to participating events and not spectator events. The movie theatre would not qualify.

Otterbach was asked to read the ordinance for “**35.2 COMMERCIAL USES**”

a) Amusement Facility - Any commercial use which offers for hire to the general public, access to structures, vehicles, mechanical or electrical contrivances or other facilities which are intended primarily to provide entertainment, amusement, or recreation, and in which the patron is engaged on the premises as an active

participant rather than as a spectator, and where such uses occupy in excess of twenty percent (20%) of the total interior or exterior public area.”

### **Article XXXIII - Definitions**

**AMUSEMENT DEVICE:** A mechanical device which is operated by the public through the insertion of a coin, token, slug or plate, or the paying of a consideration for the general purpose of a game, entertainment or amusement. Such devices may include but are not limited to pinball machines, pool tables, electronic and/or video games, gaming devices or children's rides. Such devices shall not include pay telephones, cigarette machines, newspaper, food, beverage or product dispensing machines.

**3.1.3. Roadside Commercial District:** This district is intended to accommodate commercial uses along roads in a way that protects the scenic qualities of the area, allows compatibility with residential land uses and avoids the concentration of commercial uses as allowed in the Commercial District.

Discussion ensued concerning the differences between participant uses and spectator uses within the Roadside / Commercial Districts. The ordinance is restrictive to participant's versus spectator events. Chairman Billings restated events once a year; you would apply to the Board of Selectmen. More than once a year, or continuance use, **XXX** would need to apply to the Planning Board for a Site Plan Review and you would need to list every type of event wanting to hold. If the event is not on the list when the SPR is approved, you cannot hold the event unless you come back to the Planning Board for a Site Plan Review Amendment.

**XXX** inquired if it's allowed to put in portable/modular self-storage units which rest on concrete blocks which are leveled off. McConarty replied if **XXX** wants to submit his plans, McConarty would look it over. Chairman Billings commented on the number of self-storage units already going in along Route 16.

**Point of Order** by Ash Fischbein stating he does not believe it's this Board's job to sway or dissuade anyone from starting a business here in Ossipee. Chairman Billings clarified he wants business to come to Ossipee but was just cautioning him on the other facilities.

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

No other business heard.

### **Adjournment:**

A **Motion** by Barron to adjourn. Eldridge seconded. No discussion. A unanimous vote was taken by show of hands. **Motion passed. Meeting adjourned at 9:06 pm.**

Next Meeting/Public Hearing: **June 5, 2018 @ 7:00 pm**

Minutes approved by majority vote of the Board on – \_\_\_\_\_  
Date

\_\_\_\_\_  
Condict (Connie) Chairman 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. Received 01/16/2018 <b>Pending final official letter from Fire Chief</b> . <b>Certified Letter sent 05/25/2018 inquiring a post 6 month status update.</b>