

**OSSIPEE PLANNING BOARD**  
**MEETING MINUTES**  
**July 17, 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, Martha B. Eldridge-Selectmen's Rep., Dennis Legendre, Tim Otterbach, Rick St. Jean, and Steve McConarty (ZEO).

Absent: Peter Zavas

**REGULAR PUBLIC MEETING**

**Meeting Minutes:** Review to approve Meeting Minutes of 07/03/2018.

A **Motion** by Barron to approve Planning Board minutes of July 03, 2018. St. Jean seconded. No further discussion. All others voted in favor by a show of hands. Billings abstained. **Motion passed.**

**Financial:**

- Budget Report: 06/01/2018 – 06/30/2018
- Sager & Smith invoice for \$105.00 received 07/17/2018.

A **Motion** by Billings to approve payment in the amount of \$105.00 be made to Sager and Smith, PLLC for services related to legal research. Barron seconded. Discussion by Barron questioning, what the research was related to, is there a RSA, and to clarify how a Board member would be disqualified or able to recuse oneself from hearing a case. Billings noted RSA 673.14. No further 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.
- Verizon/H&R Block update.

McConarty noted Verizon/H&R Block is waiting on parts and the alarm system should be installed by the end of the week. McConarty stated the Fire Chief gave them 15 days from Friday, July 6, 2018 to complete the alarm system or a cease & desist will be issued.

- O'Reilly Auto Parts.

McConarty reported that O'Reilly Auto Parts has issues with the soil testing and is working with NHDES.

**New Business:**

- **Case # 18-1-SPRA:** Hobb's Brewing Company, owner – Mountain Grainery, LLC of 755 White Mtn. Hwy/Route 16. Tax Map: 130 Lot: 009 received Conditional approval for a Site Plan Review Amendment to change prior approved distillery to proposed brewery business. [Requesting a continuance until August 21, 2018 PB meeting](#) so they can obtain all approvals for the following conditions to be met:

1. NHDES Subsurface Disposal Permit for the commercial septic system; **pending**
2. Alteration of Terrain copy of notification response letter; **email received**.
3. Official Letter from Fire Chief; **received**.
4. All Federal, State and Local Regulations shall be followed.

Billings commented no need to grant the request for a continuance because no date of certain was determined.

Billings acknowledged receipt of the Fire Chief's letter and email communications indicating no revisions to the Alteration of Terrain permit is required.

A **Motion** by Billings to remove conditions #2 & 3 from the list of Unsatisfied Conditions. Barron seconded. All others voted in favor by a show of hands. Billings abstained. **Motion passed.**

- **Case #18-2-SUBD, Van E. Hertel, Sr.** – owner of 95 Blake Hill Rd. Tax Map: 223 Lot: 003. Authorized agent is Jeffrey Hertel and surveyor, Randy Orvis of Géomètres Blue Hills; LLC is requesting to subdivide 70 acres into 4 lots.

- Letter received from Brad Harriman, Ossipee Public Works Director addressing the inspection of each proposed lot and driveway access. Billings read the letter to the Board and attendees.

A **Motion** by Billings accepting the application as conditional for **Case #18-2-SUBD, Van E. Hertel, Sr.** – owner of 95 Blake Hill Rd. Tax Map: 223 Lot: 003 request for subdivision. Rick St. Jean seconded.

Billings addressed missing information from the application to include letter from the Fire Chief, no topography showing greater than 200 ft. beyond the boundaries and the required signature block with statement.

Van Hertel, Sr. presented his case for subdividing his property into (4) multi-acre lots. Acreage was actually 65 acres. Proposed lot 3 will be 25.498 acres, proposed lot 3-1 will be 12.545 acres, proposed lot 3-2 will be 12.964 acres and proposed lot 3-3 will be 15.226 acres. Results from further soil test pits were presented totaling (8) samples.

Billings noted there is a cemetery on proposed lot 3-3. Van Hertel was informed no building is allowed within 100 ft. of the cemetery, no excavation is allowed within 25 ft. and that parcel will need a right of way access to the cemetery demonstrated on the plot plan.

Legendre acknowledged an abutter's letter from Booby Roakes which was received.

Bobby Roakes express concerns of run-off water washing out the end of his driveway and flooding his home. He noted the Town has put a culvert in and repairs any washout. But, he has serious concerns once building starts and his property being flooded from water run-off. Barron noted it's not the responsibility of the Planning Board to address water run-off during a subdivision and suggested he speak with Brad Harriman, Public Works Director. Discussion ensued over whose responsible. The secretary brought attention to Subdivision Regulation 11.03 - Drainage, Sediment and Erosion Control.

Billings withdrew his motion with conditions.

A **Motion** by St. Jean to approve **Case #18-2-SUBD** for Van E. Hertel, Sr. of 95 Blake Hill Rd. Tax Map: 223 Lot: 003 requesting to subdivide 65 acres into 4 lots. Legendre seconded. Discussion ensued over conditions to apply.

Van Hertel requests a Waiver from Subdivision Regulation (8.01.N) & (9.05.P) requiring topography 200 ft. beyond the boundaries.

St. Jean withdrew his motion.

A **Motion** by Billings to approve the Waiver Request from Subdivision Regulation (8.01.N) & (9.05.P) requiring topography 200 ft. beyond the boundaries. Barron seconded. No discussion. All others voted in favor by a show of hands. Billings abstained. **Motion passed.**

An **Amended Motion** by St. Jean to grant a Conditional Subdivision approval for **Case #18-2-SUBD** by Van E. Hertel, Sr. of 95 Blake Hill Rd. Tax Map: 223 Lot: 003 to subdivide 65 acres into 4 lots with the following conditions:

1. Revise plot plan
2. Document Cemetery and cemetery right of way access on revised plot plan.
3. Add required second line to signature block on revised plot plan.
4. Fire Chief's Official letter
5. Boundaries pinned

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

- **Case#18-3-SPR, Ossipee Granit Recovery, LLC** - Owner - 56 Main Street Ossipee, LLC, of 56 Main Street. Tax Map: 92 Lot: 122 is applying for a Site Plan Review to utilize the residence as a transition home for persons who have just completed primary Substance Use Disorder treatment.
  - Waiver Request from Section 8.01.2 – Off-Street Parking and Loading as follows:
    - The occupants will not be permitted to have a vehicle
    - Estimate one vehicle for staff and one for visitor.
    - Additional space is available for parking on site, if necessary.

Barron questioned if they're requesting a waiver to allow the occupants to have a vehicle.

Billings deemed the application incomplete for missing information but will accept it as conditional pending the following submission of information:

1. NHDOT driveway permit
2. Letter from the Fire Chief
3. Letter from the Water & Sewer Dept.

Jeff Burd of RJB Engineering presented on behalf of Ossipee Granit Recovery, LLC. Discussion ensued over the previous Fire Chief's inspection and requirements. McConarty and Joe Deighan both spoke of a meeting earlier this day concerning the requirements to be met.

Burd continue presenting acknowledging receiving a variance from the ZBA on 07/10/2018. Billings corrected him in stating they were granted a Conditional Variance and until those conditions are met, the variance is not final.

Attorney David Lefevre, representing Ossipee Granit Recovery, LLC explained the difference between the ZBA verses the Planning Board granting an application conditionally. Discussion ensued.

Jim Rines spoke as an abutter but explained how the ZBA will put conditions on the use but any enforcement is upheld through the Zoning Enforcement Officer and the Board of Selectmen.

Otterbach restated the conditions spoken by Billings. Discussion shifted towards addressing the fence required under the ZBA's variance conditions. The Board recommended keeping the fence at 6 ft. Rines informed all parties that the original fence waxes and wanes across boundary lines so they will need to be observant of that when installing the new fence. After a lengthy discussion, Attorney Lefevre and Eric Spofford agreed to install the fence along the boundary lines between Ossipee Granite Recovery Center and the school.

A **Motion** by Legendre to approve the Site Plan Review... Billings interjected stating the Board needed to address the waiver request for 8.01.2, first.

A **Motion** by Barron to grant the Waiver Request for 8.01.2. St. Jean seconded.

Discussion by Billings asking how many spaces are required verses the number requested. Jeff Burd commented the regulations require (4) spaces but their asking for (2) spaces. Eric Spofford commented the spaces are only needed for the (2) staff members. Barron asked about visitors. Spofford commented no visitors. Bus and handicap parking were discussed. A suggestion was made to withdraw the waiver request for 8.01.2 parking and add in a loading/unloading bus area.

Billings suggested continuing this case until the August 7, 2018 Planning Board meeting to allow the applicant to revise the plans to include the proposed conditions. Spofford preferred being considered a conditional SPR approval.

Per Attorney Lefevre, the applicant formerly requests to withdraw their request for a Waiver of 8.01.2.

Barron and St. Jean withdrew their motion to approve the waiver.

- A **Motion** by Barron to grant a Conditional Site Plan Review for **Case#18-3-SPR, Ossipee Granit Recovery, LLC** - Owner - 56 Main Street Ossipee, LLC of 56 Main Street. Tax Map: 92 Lot: 122 to utilize the residence as a transition home for persons who have just completed primary Substance Use Disorder treatment with the following conditions:

1. Official Fire Chief letter
2. Official letter from the Water & Sewer department.
3. NHDOT Driveway permit approval
4. Removal of existing fence
5. A new 6 ft. stockade fence shall be erected between the facility and the School property along own boundary line.
6. Revise plan to include a bus loading/unloading area and parking

St. Jean seconded. No further discussion. All others voted in favor by a show of hands. Billings abstained.

**Motion passed.**

- **Matthew Magliozzi** of Orlans PC, law office representing Select Portfolio Servicing, Inc. mortgagee of 15 Birch Tree Lane for clearing the title for said property.

Billings read a letter from Matthew Magliozzi of Orlans PC, law office which read in part,

*"My client is attempting to enforce its mortgage on the Property by way of foreclosure, but unable to do so without constructively subdividing the tax parcel previously merged pursuant to the attached Notice of Merger dated March 16, 2010. The mortgage on the property only describes Lot 52.13 as identified in the Notice of Merger, (a/ k/ a Lot 3 on Tax Map 88). Foreclosure of the same will remove Lot 52.13 from common ownership with Lot 52.15 (a/ k/ a Lot 4 on Tax Map 88).*

*The questions I respectfully submit to the Flaming Board are as follows: (1) Will the Planning Board assess fines/penalties if my client forecloses its mortgage on Lot 52.13, thereby constructively subdividing the current tax parcel; and (2) Will the Planning Board undue the tax parcel merger after my client's foreclosure sale is complete since Lots 52.13 and 52.15 will no longer be in common ownership?"*

Board discussion ensued

A **Motion** by Billings instructing the secretary to send a letter to Attorney Matthew Magliozzi pointing out the following:

1. The Planning Board does not assess fines and penalties.
2. If your client forecloses, you will not be subdividing the current taxed parcel.

3. The Planning Board will not undo a taxed parcel merger, after the foreclosure; unless a formal, application is submitted requesting a subdivision and meets all required Zoning Ordinances and Regulations for the Town of Ossipee.

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

**Old Business:**

- Morse Pit: – Pending legal process of Original Reclamation plan and Court Order.
- Gravel Pits: Letter received from NHDES on 07/05/2018 on former Gary Coyne Pit – New owner Brad Leighton received AoT -0049A permit from NHDES on 06/29/2018. Board discussion

A **Motion** by Billings to send a formal letter to Brad Leighton requesting he attend the September 4, 2018 Planning Board meeting to inform the board of his intent for the gravel pit and reclamation of the pit. Otterbach seconded. No discussion. All others voted in favor by a show of hands. Billings abstained. **Motion passed.**

Barron updated the Board on the Heckle and Fitz's gravel pit inspections. Inspection reports are to be filed by the next meeting.

- Master Plan: Not discussed due to lateness of the evening.

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

No other business was brought to the Board's attention.

**Adjournment:**

A **Motion** by Billings to adjourn. Otterbach seconded. No discussion. A unanimous vote was taken by show of hands. **Motion passed.**

Meeting adjourned at 09:00 pm.

Next Meeting/Public Hearing: **August 7, 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 Certified Letter sent 05/25/2018 inquiring a post 6 month status update. <b>Pending final official letter from Fire Chief.</b>
PB	06/05/2018	Mountain Grainery, LLC	SPRA granted pending remaining conditions: #2: NHDES Subsurface Disposal Permit for the Commercial Septic System. <b>Pending</b>
PB	06/05/2018	Mountain Grainery, LLC	SPRA granted pending remaining conditions: #3: Alteration of Terrain copy of notification response letter. <b>Pending</b>