

OSSIPEE PLANNING BOARD
Meeting Minutes
December 5, 2023

Minutes have been recorded for the convenience of summarization by Laura Nash, Boards & Commissions Secretary and are deleted once the minutes are board approved; any amendments to the minutes are noted in ***bold & italic*** type.

Call to Order: Sharon “Sharie” Cohen, Chairman called the Special Meeting to order at 7:00 PM and requested all cellphones to be silenced.

Pledge of Allegiance: Was recited by all in attendance.

Roll Call: Sharon “Sharie” Cohen, Chairman, Ash Fischbein, Brian Ames, Roy Barron and Krystal Eldridge,

Absent: Bruce Stuart, Vice Chairman

Regularly Scheduled Meeting

Chairman Sharon “Sharie” Cohen called the Regular meeting to order.

Public Input: Chairman Sharon “Sharie” Cohen called for public input unrelated to any case being presented tonight. None was heard.

Meeting Minutes: Review to approve Meeting Minutes of October 3, 2023 and November 7, 2023

A **Motion** by Barron to approve the Minutes of October 3, 2023 as submitted. K. Eldridge seconded. No discussion. Cohen, Barron, Fischbein, and Ames voted in favor by a show of hands. K. Eldridge abstained since she did not attend that meeting. **Motion passed.**

Meeting Minutes of November 7, 2023 and November 21, 2023 have been tabled until December 19, 2023 due to not having the appropriate quorum.

Informal Discussion: N/A

Unfinished Business:

- **Master Plan:** Housing Chapter Discussion continues...

Fischbein inquired where the discussion left off about raising funds to complete the entire Master Plan. The secretary noted that Bruce Stuart was going to speak with Carol Ogilvie on the options available. Fischbein informed Jonathan Smith that the Board has enjoyed working with Carol Ogilvie and Ivy Van on the Housing Chapter. The Board would like to approach Carol Ogilvie on the cost to complete the other chapters of the Master Plan and wanted the Board of Selectmen to know that the Board is looking into the cost. Jonathan Smith acknowledged it’s a complicated document and inquired of the cost or if there is any grant money available. The Board admitted to being humbled by the experience and Jonathan Smith did not disagree with researching the options available.

The secretary inquired if any of the Board members have read and have any questions on the draft chapters Carol Ogilvie had submitted. Chairman Cohen and Fischbein acknowledged reading the draft chapters and thinks they look great. Chairman Cohen noted that the corrections and additions were made and thinks it looks great.

New Business:

- **Proposed Zoning Ordinance Changes:** submitted by Jonathan Smith, ZEO

Amendment modifies Article IV pertaining to Campsites:

Section 4.9.2 (i), (j) for Recreational Vehicles and Tents on Private Property

i) Recreational vehicles outside of the timeframe permitted must be in a road ready condition to include but not limited to, (i.e.. Sliders in and secured, stabilizer jacks/leveling platforms to be retracted, awnings retracted, water hose disconnected, etc.) excluding a power connection to keep onboard batteries charged.

j) Tents outside of the designated timeframe permitted and must be taken apart and packed away.

J. Smith explained his reasoning for amending (i) ordinance to eliminate people living in their campers during the off season and that all recreational vehicles need to be stored road ready but does allow keeping the power supply connected to maintain an onboard battery charge.

J. Smith explained (j) currently implies that people can keep a tent up all year. This amendment change states that people will have to dismantle and pack away their tents during the designated time period. J. Smith noted that this will make it enforceable and close up some loop holes.

Amendment modifies Article XXIV – “Administration, Enforcement and Penalty,”

Section 24.1.1(a), (e) for Building and Zoning Permits

- a) The issuance of a permit by the Town Authority (Zoning Enforcement Officer or Building Inspector) is required prior to the placement, commencement of construction or modification of any structure within the Town of Ossipee except for accessory structures such as chicken coops, playhouses, tree houses, sheds and similar uses of 120 Sq ft or less, and a maximum height of 12 ft, fences 7ft and under, general repairs that do not involve structural repairs or changes.

J. Smith explained his reasoning for amending noting that currently the town allows sheds up to 120 sq ft or less without a building permit. J. Smith noted he wants to expand upon that by adding chicken coops, playhouses, tree houses, and similar uses without needing a building permit. But J. Smith questions whether to add (and similar uses,) because it’s still broad and will be up to the zoning officer’s discretion.

Discussion ensued over possible wording and the Board agreed on the following:

- a) The issuance of a permit by the Town Authority (Zoning Enforcement Officer or Building Inspector) is required prior to the placement, commencement of construction or modification of any structure within the Town of Ossipee except for detached accessory structures such as ~~chicken coops, playhouses, tree houses,~~ sheds and similar uses of 120 Sq ft or less, and a maximum height of 12 ft, fences 7ft and under, general repairs that do not involve structural repairs or changes.

Discussion ensued over the definition of “Temporary Structure being changed to Accessory Structure”

STRUCTURE, ACCESSORY TEMPORARY: A ~~temporary or~~ portable canopy, carport, garage, shed, shelter or tent, chicken coop, treehouse, playhouse and other similar uses. An ~~temporary~~ accessory structure shall be subject to all setbacks and shall have the same setback requirements as an accessory building. (Added March 13, 2018) (Amended ~~March 14, 2023~~)

- e) If there is a known zoning violation, no new building permit shall be issued.

J. Smith explained his reasoning for amending (e) noting it’s on the Building Permit application and thinks it should be in the zoning ordinance for clarity. J. Smith noted if someone has a violation, they should be given

any other permits until all the violations are cleared up. J. Smith thinks this will eliminate the perpetually ongoing violators from continuing and everyone is being treated fairly, equally, and we're following the ordinances.

Barron inquired why building permits are limited to one year and not two years. J. Smith stated that state building code says there only valid for 6 months. Discussion ensued. J. Smith explained that in Ossipee; Building permits are valid for one year with a one year extension. Beyond the one year extension, the owner will need to completely re-apply for a building permit.

Amendment modifies Article IV pertaining to Fire and/or Ruined Buildings

Section 4.2 Fire and Ruined Buildings

a) Structures that are left unfinished for 2 years without exterior weatherproof siding or roof, shall be removed or refill the same to clear ground level or shall repair, build or replace the structure. This does not apply to an active construction site with a building permit.

J. Smith explained his reasoning for amending 4.2 (a) because he constantly sees structures that are not an active building site that are left in disrepair, no siding, half the roof is done and the weather takes a hold of them and they become a ruined structure anyways. In the long term, which is a liability to the Town, it depreciates the property values next to it, and it hurts the entire Town. So, J. Smith wants to add (a) as stated above because it will be simpler to defend in court if the ordinance is defined as above. So, if your structure is exposed to the elements for 2 years and there's no siding, rain is going in, visible and smelling of mold, or the building is falling apart it's easier to address before the structure collapses, or a kid get exposed to mold.

Discussion ensued over the two year timeframe. Fischbein questioned the verbiage of but within 2 years "shall be removed or refill the same to clear ground level." J. Smith agreed it sounds odd but this is the language per the Town Attorney and how it's stated above. Discussion continued over the two year timeframe. Barron feels this is going to create a more hardship for some residents with the fear of a looming recession. After discussion the Board agreed to keep the restriction to 2 years.

Amendment modifies Article XXXIII – "Definitions," submitted by secretary.

DWELLING: A building or portion thereof designed for permanent residential occupancy beyond 30 consecutive days, including single family, two-family and multiple family, but not including hotels, motels, short term rentals or rented rooms in lodging houses or similar uses.

SHORT-TERM RENTALS: A single family dwelling or portion thereof designed for short-term residential occupancy of less than 30 consecutive days and must comply with short-term rentals zoning ordinance requirements in Article: ??.

HOME OCCUPATION: Any income-producing use conducted and contained completely within a dwelling and/or accessory building by the residents and their employees that is secondary to the residential purposes and does not change the character of the building or the character of the neighborhood.

Barron raised concerns for people with cottages that may rent them; will they be considered a short-term rental. Fischbein commented that if they rent it for less than 30 consecutive days.

Fischbein suggested to table the discussion for Short Term Rental definition until the Board has a chance to discuss it. But as for Dwelling and Home Occupation, he has no issues with either of them.

Chairman Sharon "Sharie" Cohen called for any further business to discuss. None heard.

Next Meeting: December 19, 2023 at the Freight House

NHMA: Zoning Ordinance Deadlines:

• **Wednesday, December 13, 2023**

Last day to accept petitions to amend zoning ordinance, historic district ordinance or building code for consideration at the 2024 town meeting. [RSA 675:4- 90 days before town meeting]

• **Thursday, January 11, 2024**

Last day to post and publish notice for first hearing on proposed adoption or amendment of zoning ordinance, historic district ordinance or building code if a second hearing is anticipated. [RSA 675:3; 675:7 – 10 clear days before January 22]

• **Monday, January 22, 2024**

Last day to hold first public hearing on adoption or amendment of zoning ordinance, historic district ordinance or building code if a second public hearing is anticipated. [RSA 675:3 – 14 days prior to last date to hold public hearing on zoning/building/historic district ordinance amendment/adoption on February 5]

Any Other Business Which May Come Before This Meeting: Chairman Sharon “Sharie” Cohen called for any other business.

• **Stort Term Rental:** The Board reviewed and discussed the rules, regulations and policies from other towns to determine what they would like to see in the proposed ordinance for Ossipee. Once the data has been compiled into presentation form for public input a public hearing will be scheduled.

• Chairman Cohen addressed the Board stating since winter is here, she would appreciate it, if a member is not going to attend a meeting, common courtesy is to notify either herself or the secretary they will not be able to attend the meeting. Since some members and applicants and/or their representatives have to travel long distances, and if there is not going to be a quorum; Chairman Cohen would prefer to be notify a head of time so she does not need to travel in the bad weather if she does not have too.

Chairman Sharon “Sharie” Cohen called for a motion to adjourn.

Adjournment:

A **Motion** by Barron to adjourn. B. Ames seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed.**

Meeting adjourned at 8:46 PM.

Minutes approved by majority vote of the Board on –

_____ Date

Sharon “Sharie” Cohen, Chairman
Ossipee Planning Board

Bruce Stuart , Vice - Chairman
Ossipee Planning Board