

OSSIPEE PLANNING BOARD
Meeting Minutes
December 19, 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, and Jonathan Smith

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, November 7, 2023 and December 5, 2023

A **Motion** by Barron to approve the Minutes of December 5, 2023

Chairman Cohen noted the following changes on page 4 of the Work Session should have read; “about the homeowner ***showing*** proof of insurance as an STR. ***But the Board felt this would*** force higher insurance rates on the homeowner, so the consensus was that the homeowner would ***not*** need to show proof of insurance ***because the liability would be on them.***”

A **Motion** by Barron to approve the Minutes of December 5, 2023 as amended. Fischbein seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed.**

Meeting Minutes of November 7, 2023 and November 21, 2023 have been tabled until January 2, 2024 due to not having the appropriate quorum.

Non-Public Session: RSA 91-A:3, II, (l) for Legal Matter

A **Motion** by Chairman Cohen to enter into a Nonpublic Session under Specific Statutory Reason cited as foundation for the nonpublic session: RSA 91-A: 3, II (l) Legal Matter. Barron seconded. A roll call vote was taken as follows:

Roll Call Vote to enter into a nonpublic session:

Sharon “Sharie” Cohen	Y or N	Bruce Stuart	Y or N (Absent)
Ash Fischbein	Y or N	Brian Ames	Y or N
Roy Barron	Y or N	Krystal Eldridge	Y or N
Jonathan Smith (Select. Rep)	Y or N (Abstain)	(Alt.)	Y or N

The attending audience was asked to leave the meeting room during the non-public session.

A **Motion** by **Cohen** to leave the nonpublic session and return to public session. Seconded by Fischbein. No discussion. **Motion passed unanimously.**

Public session reconvened at 7:18 p.m.

A **Motion** by Cohen was made to seal the minutes due to attorney and client privilege. Fischbein seconded.

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

Jonathan Smith explained to the audience concerning a right of way. A right of way means the right to pass over or through real property owned by someone else, usually based upon an easement; so, a road could be a right of way.

Regular Meeting

Informal Discussion:

Amanda Flagg for 2025 Route 16 Tax Map: 024 Lot: 001 (formerly Meadow Pond Veterinary Clinic) wants to open an Urgent Care Veterinary Hospital in the Roadside Commercial district.

Amanda Flagg presents the plans to re-open the veterinary urgent care facility at the former Meadow Pond Veterinary Clinic. The hours will be Saturday – Monday 9:00 am – 8:00 pm with some limited hours on Tuesday and Wednesday.

Amanda Flagg informed the Board that there has not been a Site Plan Review since 1999 for aa appliance and heating business. They were not anticipating having to do a change in use since it was a veterinary facility prior. Megan Witt has worked diligently to get the application completed for submittal to the secretary. The anticipated opening date is January 6th, 2024.

Barron was positive that there had been a Site Plan Review for the previous veterinary facility because the Board had an issue with the fact that they added the addition without approval. Amanda Flagg stated there has been an extensive search for the previous records to no avail. Amanda Flagg and Megan Witt went through the binders in the vault at the Town Clerk's office but could not find any minutes to support a site plan review for a change in use.

Jonathan Smith stated he had suggested going to the vault but without finding any minutes it could have an informal discussion. Barron found it odd that there are no records because when it was a sub shop the roof had collapsed and when it was repaired and addition was added without a permit. But he remembers the prior veterinary clinic coming before the Board and believes there was a site plan review. Jonathan Smith and the secretary confirmed that the file only has a site plan review application from 1999 and a lot merger from 2015. Fischbein stated they would need a Site Plan Review Amendment and the secretary confirmed it has already been submitted.

Fischbein inquired about the length of time the prior veterinary clinic has been closed. Amanda Flagg stated they closed part way through COVID due to staffing. But the date provided by the property owner that they were fully open was July of 2020, but they also held part-time hours for some time after. Discussion ensued until it was agreed upon that a Site Plan Review Amendment would be required.

Georgi Shishkov of 1560 Route 16 Tax Map: 053 Lot: 091 wants to construct a building for a metals fabrication shop in the Roadside Commercial district.

Georgi and Angelina Shishkov currently have a shop in Tamworth but they want to expand and move the shop more towards Route 16. He would like to put a 40 ft. x 60 ft. building on the currently vacant lot to move his metal fabrication business. The lot will need to be cleared because it has not been used in approximately 30 years.

Barron inquired about the location of the property. Georgi Shishkov provided the directions while Fischbein informed Barron that the information is in his meeting packet. Georgi Shishkov confirmed that they own the property since September of 2023.

Fischbein informed Georgi Shishkov that in Ossipee, the Board requires a Site Plan Review for all commercial businesses. Fischbein noted the Board would need to see the plot plan with the building design depicting all setback dimensions, lighting, areas of pavement, and other key components listed in the application check list.

Georgi Shishkov noted they are in the beginning phase of planning with getting contractor quotes for building, septic system, concrete, and electrical. They're hoping to start construction sometime next year. Angelina Shishkov inquired about the amount of detail needed on the plan. Fischbein informed them that the Board is concerned with the outside of the building, depicting its location in accordance with the property boundaries and maintaining setbacks, lighting location, number of parking spaces, water and septic systems, driveway and pervious versus impervious surfaces. Fischbein noted by being on Route 16, they would need to get NHDOT curb cut approval. Angelina Shishkov stated they have already applied for a curb cut and were informed by NHDOT that the previous owner had applied for a curb cut approval in 1991 but never followed through. Fischbein continued informing them that they would need NHDES septic and well approval. Angelina Shishkov stated there is an existing well but they are unable to find it. Fischbein and Cohen stated when they locate it, it will have to be depicted on the plot plan. Barron asked if they know where the well is located. Georgi Shishkov confirmed they do but they don't know what type of well it is.

Jonathan Smith requested to ask a question. Smith inquired of Georgi or Angelina Shishkov, who confirmed they had searched the Ossipee GIS mapping because it looks like the abutting property owner has a structure encroaching on the Shishkov property. Georgi Shishkov will need to verify that the structure is not encroaching or work out a written agreement with the owner of the structure.

Fischbein noted that there is an easement noted on the deed on the south end of the property. Georgi Shishkov stated there is an easement on the back of the property for the golf course. Fischbein commented it's okay if they have an easement; it just means they cannot build on it. Discussion ensued over the slope of the property. Fischbein stated they will need a Site Plan Review and to work with the secretary for any help.

Trey Wilson of 305 & 315 Newman Drew Rd. Tax Map: 016 Lots: 009 & 010 wants to discuss merging his lots to add 3 cabins for seasonal rentals.

Trey Wilson started to present his concept plan of merging the two lots, adding 3 seasonal cabins on what is currently the smaller lot and add a garage on the larger lot along with a larger septic system.

Jonathan Smith requested to address the Board. Jonathan Smith noted that Trey Wilson is going to have some initial zoning issues with his plan. Jonathan Smith inquired if Mr. Wilson, who confirmed that he owns both properties. Jonathan Smith read Zoning Ordinance Article 23.1 as follows:

23.1 "NON-CONFORMING LOTS"

A lot is not contiguous to another lot owned by the same party that has less than the prescribed minimum area or frontage, may be built upon provided that all other regulations of this Ordinance are met and that lot, before the adoption of the requirements which have made it non-conforming:"

Jonathan Smith explained that since you own both lots and if you want to build on them; under this ordinance you have to merge both lots. By taking ownership of a non-conforming lot, you are required to merge them if you want to build on them. The purpose of the ordinance is to eliminate non-conforming lots.

Trey Wilson requested advice on what he needs to do in order to place (3) cabins on the current smaller lot. The Board referred to the zoning ordinances and the chart of uses in order to determine the options available to Trey Wilson. Jonathan Smith noted it would not be classified as a hotel or motel as suggested by Fischbein because there going to be seasonal where hotel and motels are year round. Barron inquired if it would be classified under Short Term Rental. Fischbein noted there is not an ordinance for short term rentals. Jonathan

Smith noted that if there is no category for the use then he would need to seek a variance. Barron and Ames noted he wants to have 3 cabins. Jonathan Smith noted that he cannot have three cabins because under the ordinance the property owner is only allowed to have two structures per lot, once he goes to three structures then falls under a commercial business and he would need a Site Plan Review.

Jonathan Smith explained to Trey Wilson if he wants to build two house per lot and rent them out he can.

Dallas Emery request to speak. Chairman Cohen approved the request.

Dallas Emery commented according the zoning ordinances someone can have an ADU on their property. Jonathan Smith commented that someone can have an ADU in addition to the primary dwelling provided that one of the structures is owner occupied. The Board clarified for Dallas Emery that each parcel of land is allowed one primary dwelling and one ADU but the owner must live in one of the structures.

Jonathan Smith noted if Trey Wilson is going to advertise the rentals as a commercial business then he will be required to get a Site Plan Review approval from the Planning Board versus renting out two homes. Discussion ensued.

After discussion, Trey Wilson clarified that eventually he wants to add a house to the back of the larger lot with a garage towards the front of the same lot and have two cabins on what is now the smaller lot. Jonathan Smith informed Trey Wilson that he would have more than 2 structures on the same lot which is not allowed because now he's entering into a commercial business and it would require getting Site Plan Review approval from the Planning Board. Fischbein commented it does not mean he can't, it just means he wed a Site Plan Review approval first.

Chairman Cohen inquired of Jonathan Smith if this proposal would qualify under the campground ordinance. Jonathan Smith stated it would not because he does not have the acreage and it would be very expensive for him to do so.

Discussion ensued over various options including subdivision, boundary line adjustment, etc.... but he would not meet the appropriate road frontage for both lots. Lot #1 is 2.1 acres with 226.8 ft of frontage and Lot #2 is 0.53 acres with 150 ft. of frontage. Jonathan Smith noted one other option is to put the smaller lot in someone else's name, he can then put 2 structures on the smaller lot provided he meets the building codes and zoning ordinance or he could request waivers.

Trey Wilson was advised to contact Jonathan Smith with any questions.

Unfinished Business:

Master Plan: Housing Chapter Discussion continues...

Fischbein inquired where the discussion left off about raising funds to complete the entire Master Plan. Chairman Cohen noted that Bruce Stuart was going to speak with Carol Ogilvie on the options available. Chairman Cohen will reach out to Stuart before the next meeting.

The secretary informed the Board members of the documents submitted by Carol Ogilvie and will forward the documents to Board. The Code Audit document is Carol Ogilvie's suggested zoning changes. Jonathan Smith and the secretary reviewed them earlier and Jonathan Smith can better explain the suggested changes.

Fischbein inquired if the Board should be looking for grants to help fund completing the Master Plan. Chairman Cohen stated we were waiting to get a cost quotes from Carol Ogilvie to finish the master Plan. Fischbein is going to contact Bruce Stuart and possibly email Carol Ogilvie. Chairman Cohen and Barron suggested waiting until after the holidays.

New Business:

- **Proposed Zoning Ordinance Changes:** Code Audit suggestions by Carol Ogilvie, Contractor

Proposed Zoning Changes: **DELETE = RED** **GREEN = ADD** **PURPLE = DISCUSSION**

4.6 OFF-STREET LOADING AND PARKING

4.6.1 Minimum-Residential. Any proposed residential development shall provide a minimum of two (2) off-street parking spaces per dwelling unit. **Keep as is - per Jonathan Smith**

Carol suggested to strike this from the ordinance and allow on street parking. Jonathan Smith explained the Town already allows on street parking. He thinks their suggesting to eliminate the requirement of having two parking spaces. But if the town or the state eliminates on street parking then there is no parking spaces for anyone. So, Jonathan Smith recommends keeping the ordinance.

11.2.1 The total land area included within the development shall be a minimum of ~~(40~~ 5) acres.

Keep - per Jonathan Smith but change 10 acres to 5 acres and add with 25% of land left for open space.

Requiring a large parcel to create a cluster development reduces the likelihood that the ordinance will be used. Need to **ADD – Cluster Development to Table of Uses. (34.1 (i)) and Permitted in all zones with 0.25 acre lots with 80 ft. of frontage.**

11.2.2 ~~The total number of lots shall not exceed the number of lots normally permitted in the Rural District as determined by regular subdivision layout using Tables 2 and 3.~~ **Agrees to Strike per Jonathan Smith**

11.2.3 The parcel to be subdivided shall have a minimum of ~~four~~ 200 hundred ~~(400~~ 200) feet of frontage on Class V or better road and shall comply with the provisions of Article VII of this Ordinance regarding waterfront access, if applicable. Jonathan added this change.

~~11.2.6 The minimum width of open space between any cluster of lots or sties and the property boundary, and between every two (2) clusters of lots or sites within the development shall be no less than one hundred (100) feet and with no more than eight (8) lots in each cluster.~~ **Agrees to Strike per Jonathan Smith**

ARTICLE XIII– MANUFACTURED HOME SUBDIVISIONS

13.1 Required acreage. The total land area included within the development shall be a minimum of ten (10) acres. **Keep as is - per Jonathan Smith does not believe this should be incentivized.**

ARTICLE XIV – MANUFACTURED HOME PARK – **Keep as is - per Jonathan Smith because he thinks and the Board agrees that it's a depreciating asset.**

14.1 Location and size All manufactured home parks shall be in conformance with Table 1. The manufactured home park shall be a minimum of ten (10) acres and shall be graded to insure adequate and sanitary drainage of surface water and sewage.

14.3.12 A minimum of fifteen thousand (15,000) square feet shall be required for each manufactured home site and shall have a minimum road frontage for one hundred (100) feet.

14.3.13 Each manufactured home site shall be provided with at least four hundred (400) square feet of off-street parking.

DEFINITIONS

~~ACCESSORY APARTMENT: Lodging as an accessory use to a single family. The accessory apartment shall be an integral part of, or connected to, the single-family dwelling and be no larger than one thousand (1000) square feet or thirty (30) percent of the habitable floor area of the single-family dwelling, whichever is smaller.~~ Agrees to Strike per Jonathan Smith because there is already an ordinance for ADU's.

TRANSIENT: this word is used in several definitions but it is not defined. We recommend adding a definition. Added to definitions later discussed.

“TRANSIENT: A person who is staying or working in a place for only a short time of less than 30 days.”

ARTICLE XXXIV – PERMITTED USES & SPECIAL EXCEPTIONS

Footnotes: Multifamily in the rural zone must have a two-acre minimum lot size with 300 foot road frontage. Front setback of 80 feet. Side and rear setback of 50 feet. Planning board approval of a site plan must be granted. Keep in Rural district - per Jonathan Smith & the Board agreed to keep because it will depreciate the value of a single family home.

ARTICLE XXXV– DESCRIPTION OF PERMITTED USES

35.1 Residential uses

b) Two-family Dwelling – a residential building designed for or occupied by two families living independently of each other in individual dwelling units, commonly referred to as a duplex. ~~Lot size for the first unit shall comply with the dimension requirements of Table 2 with the additional lot size for the second unit complying with the requirements of Table 3.~~ Agrees to Strike per Jonathan Smith

TABLE 2 – DIMENSIONAL REQUIREMENTS – Keep as is - per Jonathan Smith otherwise it’s creating micro-lots and no one on the Board wanted to see that happen.

Village Requiring 80 feet of frontage and a 10,000 square foot lot works against creating a walkable village.

Residential Requiring 200 feet of frontage and an acre lot will produce a suburban development pattern that does not match the desires articulated in the Ossipee Master Plan. These dimensional standards contribute to housing costs and car dependency. Keep as is - per Jonathan Smith

Discussion ensued over possibly decreasing road frontage. Jonathan Smith asked the Board if they were in favor of decreasing the frontage and Dallas Emery stated he was. Fischbein would like to drive around looking at frontage. Jonathan Smith commented this would be for all new subdivision since the implementation of zoning in 1989.

Jonathan Smith noted that Cluster Development is in the ordinance but was inadvertently excluded from the Chart of Uses.

TABLE 1 – CHART OF USES

		Village	Residential	Roadside	Commercial	Commercial	Rural	Commercial	Corridor
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	34.1 Residential Uses (See also Article XXXV, Section 35.1)							
i.	CLUSTER DEVELOPMENT (See also Article XI)	P	P	P	P	P	P	P

The secretary reviewed the following definition changes:

ARTICLE XXXIII – “DEFINITIONS,” and amends the definitions as follows:

Per Housing Contractor -~~ACCESSORY APARTMENT: Lodging as an accessory use to a single family dwelling. The accessory apartment shall be an integral part of, or connected to, the single family dwelling and be no larger than one thousand (1000) square feet or thirty (30) percent of the inhabitable floor area of the single family dwelling, whichever is smaller. (Amended March 2005)~~

ALLOWED OCCUPANCY: Is the number of guests allowed in a permitted STR. Occupancy calculation is two people per bedroom approved by NH Department of Environmental Services Subsurface Division for septic capacity plus two. Number of beds in the STR is not the measure of allowed occupancy.

CLUSTER DEVELOPMENT: Is a division of land into sites or lots used, or available for use, as residential building sites for single detached one family dwellings or other lawful buildings where such lots are clustered together into one or more groups, separated from adjacent property and other groups of lots by intervening common land.

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.

The secretary requested the Board to clarify if this definition was suppose to have been removed last year or do they want it to stay. After review the Board chose to keep the definition for dwelling unit as is.

Page 65 - For Discussion to keep or strike - DWELLING UNIT: One room, or rooms connected together constituting a separate, independent housekeeping establishment for owner occupancy, rental or lease, and physically separated from any other rooms or dwelling units which may be in the same structure and containing independent cooking, sanitary and sleeping facilities.

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.

MOTOR VEHICLE: A vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power and used on public streets, roads, or highways, but does not include a vehicle, machine, tractor, trailer, or semitrailer operated only on a rail line or custom harvesting farm machinery.

RECREATIONAL VEHICLE: A recreational vehicle means any of the following vehicles:

- 6) Recreational Vehicles must meet NFPA 1192 or be certified by the RV industry Association.

SEPTIC APPROVAL: Means a copy of the official NHDES approval for the septic system located at the applicant’s property.

The secretary requested the Board to clarify which definition they wanted for Short Term Rentals because after the last meeting it was unclear which one the Board chose. After discussion the Board agreed on Cohen’s definition.

Freedom’s - SHORT-TERM RENTAL: Is the provision of transient lodging for compensation in the primary dwelling unit on a lot in Ossipee for stays less than 30 consecutive days, and where the dwelling unit would normally be considered a residential living unit not associated with regulated commercial activities such as a hotel, motel, or bed-and-breakfast per RSA 48-A:1. **Exclusion:** Campers, and camping trailers and tents do not meet this definition and may not be rented as a STR.

Cohen’s - SHORT-TERM RENTAL: unit is defined as any individually or collectively owned single family house or dwelling unit or any unit or group of units in a condominium, cooperative, or timeshare, or owner-occupied residential home, that is offered for a fee for less than 30 consecutive days, and that is not considered a commercial tourist accommodation per RSA 48-A:1. **Exclusion:** Campers, camping trailers and tents do not meet this definition and may not be rented as a STR.

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. Accessory structures are permitted in all zones without a primary structure. (Added March 13, 2018) (Amended ~~March 14, 2023~~)

TRANSIENT: A person who is staying or working in a place for only a short time of less than 30 days. - Per Housing Contractor and the Board agreed.

	34.6 ACCESSORY USES (See also Article XXXV, Section 35.6)	Village	Residential	Roadside Commercial	Commercial	Rural	Commercial Node	Corridor
h.	Short Term Rentals (STR)	P	P	P	P	P	P	P

35.6 ACCESSORY USES

h) **Short-Term Rental (STR)** - Is the provision of transient lodging for compensation in the primary dwelling unit on a lot in Ossipee for stays less than 30 consecutive days, and where the dwelling unit would normally be considered a residential living unit not associated with regulated commercial activities such as a hotel, motel, or bed-and-breakfast per RSA 48-A:1. **Exclusion:** Campers, and camping trailers and tents do not meet this definition and shall not be rented as a STR.

The Board proceeded to review the draft version for short term rental ordinance.

ARTICLE XXII – SHORT TERM RENTALS
(Added March ??, 2024)

PURPOSE

The purpose of the Town of Ossipee Short-Term Rental Ordinance is to allow Short-Term Rentals (STR) in all districts, as allowed by the Ossipee Zoning Ordinance, for the benefit of both the homeowners and visitors to our community, while ensuring safety and minimizing neighborhood disruption resulting from this type of business activity.

22.1 DEFINITION

A Short-Term Rental unit is defined as any individually or collectively owned single family house or dwelling unit or any unit or group of units in a condominium, cooperative, or timeshare, or owner-occupied residential home, that is offered for a fee for less than 30 consecutive days, and that is not considered a commercial tourist accommodation per RSA 48-A:1. **Exclusions:** campers, camping trailers and tents do not meet this definition and shall not be rented as a STR.

22.2 PERMIT REQUIRED:

On or before [March ??, 2024], all Short Term Rental units must have a permit with the Town. An application form is available at www.ossipee.org or at the Town Hall. An application signed by the Selectboard designee shall constitute a Short Term Rental Permit.

The permit will be valid for a 2-year period beginning the first morning after the Selectmen's approval. Re-application with safety inspection by the Zoning Officer/Building Inspector must be completed prior to permit expiration.

22.3 FEE: The permit fee to register the property as a Short Term Rental with the Town is per the Board of Selectmen's Fee Schedule.

22.4 TERMS:

22.4.1. A short-term rental must be permitted with the town.

22.4.2. Maximum number of guests shall be limited by the number of bedrooms as determined by the Town Tax Card and NHDES approved septic design, maximum limit of (2) people per bedroom plus (2) additional people per property.

22.4.3. The homeowner of a Short Term Rental unit must provide proof of a current NH Rooms and Meals Tax license ID number.

22.4.4. Removal of trash.

22.4.5. Ensuring that occupancy limits are not exceeded;

22.4.6. Any other site-specific conditions imposed as part of the approval.

22.4.7. A short-term rental may not be established until a permit to operate a short-term rental has been issued by the Zoning Officer. The property owner shall submit a STR Permit Application to operate a short term rental to the Zoning Officer. The proposal shall be reviewed for compliance with all Building, Fire, and Safety Codes. Site plan review is not required for a short-term rental.

22.4.8. Safety Inspection Required

22.4.9. Permits are not transferable. If the property is sold, the new owner shall obtain a permit before any STR occur on the property.

22.4.10. Signage is restricted to following the Ossipee Sign Ordinance.

22.4.11. All vehicles shall be parked on the property and in designated parking areas.

22.4.12. Guests must comply with town ordinances and state laws at all times.

22.4.13. Within 30 days of the date of the Selectmen's decision to approve or deny an application for a Short Term Rental, an aggrieved party may file an appeal in writing with the Board of Selectmen, requesting that the Selectmen reconsider their decision and setting forth the reasons why reconsideration would be appropriate. If such an appeal is timely filed by an aggrieved party, the Selectmen shall schedule the appeal for a public hearing within 45 days upon receipt pursuant to RSA Chapter 43.

22.4.14. Short Term Permit (STR) shall be displayed at the main entrance to the structure visible to the occupants.

22.5 SAFETY INSPECTION:

The Zoning Officer and District Fire Chief shall conduct a safety inspection on all Short Term Rentals prior to the issuance of a permit. The inspection process shall include the following:

22.5.1. Smoke/CO detectors are installed in areas defined by the NH State Fire Code and NH State Building Code and are functioning.

22.5.2. Windows and/or doors designated for emergency egress are maintained and in operational order.

22.5.3. No basement space shall be used as a sleeping area unless there are two means of egress that are properly sized windows and/or doors conforming to the NH State Fire Code and NH State Building Code.

22.5.4. A functional fire extinguisher is visibly installed in any kitchen area.

22.5.5. Hand rails, and railings conforming to the NH State Fire Code and NH State Building Code.

22.5.6. Upon a complaint the Town may conduct an interior inspection at any time with 24 hours' notice.

22.5.7. **Exceptions:** Existing homes will not be required to upgrade their egress windows in accordance with IRC or IBC Building Code Standards. Older homes that are not compliant with today's codes shall be compliant as determined by the Town tax card and/or approved septic design.

22.6 PROHIBITIONS

22.6.1. **INCIDENTAL CAMPING:** A STR permit allows use of the primary residence on a lot only and does not authorize incidental camping, which means any overnight camping, sleeping in tents or other temporary shelter in the yard or on decks attached to the short-term rental unit, or sleeping in travel trailers or recreational vehicles or parked on the short-term rental property.

22.6.2. **SUBLETTING:** Guests are prohibited from subletting a short-term rental. Only owners

with a valid STR permit may advertise and rent a primary residence on a lot as a short-term rental.

22.6.3. **SPECIAL EVENTS:** Short-term rental property shall not be used for special events.

22.7 ENFORCEMENT: Jonathan Smith explained to the Board his conversation with the NHMA Attorney in reference to the Planning Board imposing fines. Smith explained according to NHMA short term rental can go in the ordinances but their not aware of the implementation of fines outside of the existing law per RSA 674:17 from how it is currently being handled through the Zoning Enforcement Office per Town regulations. Currently by going to court and \$275.00 per day for the first offense, \$550.00 per day for the second offense, plus legal fees. If there is a violation the owner will receive a letter of violation to be compliant by a determined date and if not then a court complaint is filed. Fines cannot be implemented without going to court first.

~~The owner of any unregistered Short Term Rental unit will be fined as follows starting [date]:~~

Short Term Rentals permitting and inspection process will be inherently through the Zoning Enforcement Officer in accordance with Ossipee zoning ordinance. The code enforcement officer has the authority per RSA 676:17, to impose fines upon the owner of any unpermitted or a violation of a Short-Term Rental zoning ordinance or other Ossipee zoning ordinances. Upon a complaint the Town may conduct an interior inspection at any time with 24 hours' notice. [date]: (Per NHMA Legal Counsel.)

~~First offense: Written warning~~

~~Second offense: After allowing 10 days for registration since receipt of notice of first offense: \$100~~

~~Third offense: After allowing 10 days for registration since receipt of notice of second offense: \$500~~

~~Additional offenses: After allowing 10 days for registration since 3rd offense: \$1,000 per 10 day period.~~

22.8 REVOCATION

22.8.1. The Board of Selectmen, or their designee, may revoke a permit for any Short-Term Rental unit upon notice by the town's Health Officer, Police Chief, Fire Chief, or Code Enforcement Officer that the dwelling is in violation of any conditions.

22.8.2. Revocation for violations of guests causing a nuisance to neighboring properties or the public will require a minimum of three incidents within one year, validated by any sworn law enforcement officer with jurisdiction, with documentation of notification of the contact person. Any owner found to be operating a Short-Term Rental after revocation of the permit ... ~~will be fined \$1,000 per 10-day period.~~

22.8.3. If a permit is revoked, the owner may appeal the decision to the Board of Selectmen within 30 days of the date of revocation, and the Selectmen shall hold a public hearing on the appeal within 45 days and either affirm the revocation or overturn the revocation. If the revocation is overturned, the Selectmen can impose conditions upon the reinstatement of the permit.

Chairman Cohen inquired about changing Bed & Breakfasts as an allowable use in the Rural District. Discussion ensued about Bed and Breakfasts being a commercial use and must be owner occupied. The Board agreed to propose the change.

34.2 COMMERCIAL USES (See also Article XXXV, Section 35.2)		Village	Residential	Roadside Commercial	Commercial	Rural	Commercial Node	Corridor
d.	Bed and Breakfast	P	P	P	P	SE P	P	P

The Board generally discussed prohibitory zoning. Jonathan Smith explained that the current zoning ordinances is a permissive use and basically tells you what you can do with your land; so, in a Prohibitory zoning if the use is not listed then you would need a variance by default.

ARTICLE IV - GENERAL PROVISIONS

4.1 PARKING AND STORAGE OF UNLICENSED VEHICLES/TRAILERS

(Amended March 14, 2023)

Jonathan Smith suggested to add Trailers to the description as follows;

In any district, no more than one (1) motor vehicle/recreational vehicle/trailers which requires license plates, but which are without current license plates, shall be parked or stored except in authorized automobile sales areas, enclosed buildings or approved junk yards. No more than two (2) specialty vehicles which do not require license plates, such as homemade or factory constructed competition machines, shall be parked or stored out of sight from adjacent properties and may be subject to RSA 236:111. This does not pertain to farm vehicles or other vehicles which are in constant use and do not require a license plate for such use.

Jonathan Smith explained to the Board about complaints he receives as the Zoning Officer about multiple unregistered trailers parked or stored on a single property. Smith conveyed that the Zoning Officer only regulates unregistered vehicles and unregistered recreational vehicles, which based on the definition is actually RV's and does not include 4-wheelers, ATV or UTV's. Smith stated if someone has (4) unregistered trailers; that person would need to registered (3) of the trailers, is allowed (1) unregistered trailer or that person would need to remove the trailers.

Jonathan Smith added trailers to the description and added Trailer to the definitions, as follows:

TRAILER: an unpowered vehicle towed by ~~another~~ a motor vehicle

Barron complained that once this ordinance went into effect; he, himself would no longer be compliant because he has an unregistered boat trailer, skidoo and trailer on his property. Smith informed Barron that boats are already covered under recreational vehicles ordinance, so if that true and you have something else that is not registered, then he's already in violation. Discussion ensued and Barron stated that he would not be in favor of this ordinance.

The secretary referred to the definition for Trailer: **an unpowered vehicle towed by ~~another~~** and suggested removing **~~another~~** and adding **a motor vehicle** because leaving it as "towed by another" seemed to leave it open ended or implied that it's toward by another trailer. Smith noted the definition is the legal definition of trailer but agreed it did not make sense. But the Board agreed the definition should state, "**TRAILER: an unpowered vehicle towed by a motor vehicle."**

Jonathan Smith noted he is also adding a definition for a "motor vehicle" because there currently isn't a definition. This is the legal definition for "**Motor Vehicle: A vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power and used on public streets, roads, or highways, but does not include a vehicle, machine, tractor, trailer, or semitrailer operated only on a rail line or custom harvesting farm machinery."**

Jonathan Smith noted he had one more for removing “industrial” for the title and description under Article IX– DISCONTINUANCE AND EXPIRATION ~~OF LIGHT INDUSTRIAL USE~~. The secretary noted and the Board confirmed that this has already been reviewed and discussed.

- **Set Public Hearing Date for Proposed Zoning Ordinance changes:**

After discussing and reviewing the NHMA deadlines, the Board agreed on **January 16, 2024** for the Public Hearing on the 2024 Proposed Zoning Changes at 7:00 pm at the Town Hall Bud Avery Memorial Gymnasium.

Jonathan Smith noted that Cluster Development is in the ordinance but was inadvertently excluded from the Chart of Uses. It has been initially allowed in all zones but it’s up to the Board. The Board agreed to allow in all zones.

Next Meeting: **January 2, 2023 at the Freight House**

NHMA Zoning Ordinance Deadlines:

- **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 (Decided on January 16th, 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]

- **Thursday, January 25, 2024**

Last day to post and publish notice of final planning board public hearing on proposed adoption or amendment to zoning ordinance, historic district ordinance or building code. [RSA 675:3; 675:7 – 10 clear days before February 5]

Any Other Business Which May Come Before This Meeting: Chairman Sharon “Sharie” Cohen called for any other business. None heard.

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

Adjournment:

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

Meeting adjourned at 8:31 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