

OSSIPEE PLANNING BOARD
Meeting Minutes
January 2, 2024

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

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 November 7, 2023, November 21, 2024 and December 16, 2023.

Barron noted on page 2 “a sub shop the ~~roof~~ ***whole building*** had collapsed and when it was repaired and addition was added...”

A **Motion** by Fischbein to approve the Minutes of December 16, 2023 as submitted. B. Ames 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 16, 2024 due to not having the appropriate quorum.

Informal Discussion: Chairman Cohen noted there are no Informal Discussion to be presented tonight.

Unfinished Business:

- **Master Plan:** Housing Chapter Discussion continues... At Fischbein’s suggestion; Chairman Cohen moved the Master Plan discussion to after the following cases have been heard.

New Business:

- **Case #24-01-SPRA & #24-01-SUP:** Joseph Goss c/o Suhit Patel c/o Mahadev Realty Trust for 2255 Route 16, Tax Map: 014 Lot: 005 is seeking a Site Plan Review Amendment & Special Use Permit to change the commercial use from (1) business to (3) businesses: one being Kevin’s Discount, two being Kenny Brother’s Tree Service’s. LLC and three being Papa’s Garage, LLC, which is an automotive repair garage in the back section of the building along with several waivers requested.

Joe Goss conveyed he is making no changes to the outside of the building; he is wanting to add an automotive repair business in the back of the building. Kevin’s Discount occupies the front of the building and Kenny Brother’s Tree Service, LLC is also operating out of the back of the building. Papa’s Garage (Joe Goss) will be a state inspection station as well as a full automotive garage with walk-in office, waiting area and a rest room for waiting patrons.

B. Ames noted that in section 3 (e) of the checklist is not checked off even though the north arrow is provided on the site plan. Goss noted he just forgot to check it off.

Waivers Requested:

1. Section 6.04.4 A: Representing agent

A **Motion** by K. Eldridge to accept the waiver request for Article 6.04.4 A for relief from having a Representing Agenting. Barron seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed.**

2. Section 6.04.4 B: Zoning Board or Water District approvals

A **Motion** by K. Eldridge to accept the waiver request for Article 6.04.4 B for relief from having to get Zoning Board or Water District approvals. Fischbein seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed.**

3. Section 6.04.4 H 17 & 8.02.5: Location and dimensions of signs

A **Motion** by Barron to accept the waiver request for Article 6.04.4 H 17 and 8.02.5 for relief from having to provide the Location and dimensions of signs. K. Eldridge seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed.**

4. Section 6.04.4 H 4: Required Setbacks, deed restrictions, easements;

A **Motion** by Barron to accept the waiver request for Article 6.04.4 H 4 for relief from having to meet the Required Setbacks, deed restrictions, easements. Fischbein seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed.**

5. Section 6.04.4 H 8: Lot Size (acres) and percent of lot coverage

A **Motion** by Cohen to accept the waiver request for Article 6.04.4 H 8 for relief from having to meet the Lot Size (acres) and percent of lot coverage. Fischbein seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed.**

6. Section 6.04.4 H 13: Landscaping in harmony with surrounding area, with buffers, clearing kept to a minimum.

A **Motion** by Barron to accept the waiver request for Article 6.04.4 H 13 for relief from having to meet the Landscaping in harmony with surrounding area, with buffers, clearing kept to a minimum.. Fischbein seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed.**

7. Section 6.04.4 H 5: Soil information including soil type

A **Motion** by Barron to accept the waiver request for Article 6.04.4 H 5 for relief from having to meet the Soil information including soil type. K. Eldridge seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed.**

8. Section 6.04.4 H 9 & 8.03.4: Storm water drainage, pre- and post-development run-off flow; snow storage areas

A **Motion** by Barron to accept the waiver request for Section 6.04.4 H 9 & 8.03.4 for relief from having to meet the Storm water drainage. K. Eldridge seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed.**

9. Section 6.04.4 H 15: Erosion and sediment controls, grading not to exceed 2:1, wetland protection

A **Motion** by K. Eldridge to accept the waiver request for Section 6.04.4 H 15 for relief from having to meet the Erosion and sediment controls. Barron seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed.**

10. Section 8.01.2 B: Curb cut for state road, required from NHDOT

A **Motion** by K. Eldridge to accept the waiver request for Section 8.01.2 B for relief from having to meet the Curb cut for state road, required from NHDOT. Barron seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed.**

11. Section 8.01.3 B: Town road access

A **Motion** by K. Eldridge to accept the waiver request for Section 8.01.3 B for relief from having to meet the Town road access. Fischbein seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed.**

12. Section 8.03.1 B: Septic and well approvals NHDES Subsurface approval

A **Motion** by K. Eldridge to accept the waiver request for Section 8.03.1 B for relief from having to meet the Septic and well approvals NHDES Subsurface approval. Fischbein seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed.**

13. Section 8.03.1 A: Ossipee Water and Sewer Supervisor approval

A **Motion** by K. Eldridge to accept the waiver request for Section 8.03.1 A for relief from having to meet the Ossipee Water and Sewer Supervisor approval. Fischbein seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed.**

14. Section 8.02.3: Erosion and sediment controls, grading not to exceed 2:1, wetland protection

A **Motion** by Fischbein to accept the waiver request for Section 8.02.3 for relief from having to meet Erosion and sediment controls, grading not to exceed 2:1, wetland protection. K. Eldridge seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed.**

A **Motion** by Fischbein to accept the application as complete for **Case #24-01-SPRA:** Joseph Goss c/o Suhit Patel c/o Mahadev Realty Trust for 2255 Route 16, Tax Map: 014 Lot: 005 request a Site Plan Review Amendment to change the commercial use from (1) business to (3) businesses: one being Kevin's Discount, two being Kenny Brother's Tree Service's. LLC and three being Papa's Garage, LLC, which is an automotive repair garage in the back section of the building. Barron seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed.**

Chairman Cohen called for public input. None was heard.

Chairman Cohen moved onto review of the Special Use Permit criteria under Article XX.

Fischbein inquired how Mr. Goss plans to remove any hazardous fluids. Goss stated the Hazard Material will be disposed as follows: Waste oil will be stored in 55 gallon drums and picked up by either Randy Frye and/or Mark McConkey to be used in a waste heating oil system. Waste anti-freeze will be stored in barrels and picked up by Safety Kleen and Tires will be picked up by BDS or Town Fare Tires once a month.

A **Motion** by Barron to approve the Special Use Permit for **Case #24-01-SUP:** Joseph Goss c/o Suhit Patel c/o Mahadev Realty Trust for 2255 Route 16, Tax Map: 014 Lot: 005 in their request towards a Site Plan Review Amendment to change the commercial use from (1) business to (3) businesses: one being Kevin's Discount, two being Kenny Brother's Tree Service's. LLC and three being Papa's Garage, LLC, which is an automotive repair garage in the back section of the building. K. Eldridge seconded. No

discussion. A unanimous vote was taken by a show of hands. **Motion passed.**

A **Motion** by Barron for **Case #24-01-SPRA**: Joseph Goss c/o Suhit Patel c/o Mahadev Realty Trust for 2255 Route 16, Tax Map: 014 Lot: 005 to Grant a Site Plan Review Amendment to change the commercial use from (1) business to (3) businesses: one being Kevin's Discount, two being Kenny Brother's Tree Service's. LLC and three being Papa's Garage, LLC, which is an automotive repair garage in the back section of the building provided all Federal, State and Local Regulations are followed. Fischbein seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed.**

Chairman Cohen and Fischbein *Noted*: The Selectmen, or any party to the action or any person directly affected has a right to appeal this decision within 30 days. To avoid lapsing of the approval, there should be substantial construction or liability within 2 years of the decision. See New Hampshire Revised Statutes Annotated, Chapter 677 - Appeals, available on the Town of Ossipee website.

Chairman Sharon "Sharie" Cohen read the description of the next case being presented.

- **Case #24-02-SPRA**: Veterinary Urgent Care of NH c/o Amanda Flagg & Megan Witt and Owner: White & Brown Dog, LLC of 2025 Route 16, Tax Map: 024 Lot: 001 is seeking a Site Plan Review Amendment to open a Veterinary Urgent Care facility in the Road Side Commercial district at the former Meadow Pond Veterinary Hospital.

The secretary stated while transcribing the minutes of the previous meeting Barron stated he remembered the prior owners coming in before the Planning Board. The secretary did some reach and came across and read into the record the meeting minutes of August 16, 2011 as follows;

"DISCUSSION: Kelly Keenan and Lindy North came to discuss their intent to put a veterinary hospital in the old Belly Busters Restaurant. They are not making changes to the outside. If they need additional paving they should submit a plan for our records. Although this is a change of use, it will have a lesser impact. Roy Barron made a motion that A Site Plan Review is not needed. Brett seconded the motion and it passed."

This confirmed that a Site Plan Review Amendment had never been done since the original SPR in 1999 and Fischbein noted that it's been closed for more than 2 years. The Board reviewed the application.

Barron inquired and Amanda Flagg confirmed that they are waiting on the West Ossipee Fire Chief's letter. Fischbein inquired and Kelly Keenan confirmed that NHDOT has an approved curb cut because NHDOT had told them where they could place the sign.

Waivers Requested:

1. Section 6.04.4 H 16: Project is not located in the wetland protection. B. Ames commented that he believes this is suppose to be 6.04.4 H15 because 6.04.4 H16 is for lighting requirements. The Board agreed and requested the official record to be corrected.

A **Motion** by Fischbein to accept the waiver request for Section 6.04.4 H 15 for relief from having to meet Erosion and sediment controls, grading not to exceed 2:1, wetland protection. B. Ames seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed.**

2. Section 6.04.4 B: Zoning Board or Water District approvals

A **Motion** by Fischbein to accept the waiver request for Article 6.04.4 B for relief from having to get Zoning Board or Water District approvals. Barron seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed.**

3. Section 8.03.1 A: Ossipee Water and Sewer Supervisor approval, if the property is located on Town water and/or sewer service

A **Motion** by Fischbein to accept the waiver request for Section 8.03.1 A for relief from having to meet Ossipee Water and Sewer Supervisor approval if the property is located on Town water and/or sewer service. B. Ames seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed.**

4. Section 8.01.2 B: Curb cut for state road, required from NHDOT

A **Motion** by Fischbein to accept the waiver request for Section 8.01.2 B for relief from having to meet the Curb cut for state road, required from NHDOT. Barron seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed.**

5. Section 8.01.3 B: Town road access

A **Motion** by Fischbein to accept the waiver request for Section 8.01.3 B for relief from having to meet the Town road access. Barron seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed.**

6. Section 8.03.1 B: Septic and well approvals NHDES Subsurface approval

A **Motion** by Fischbein to accept the waiver request for Section 8.03.1 B for relief from having to meet the Septic and well approvals NHDES Subsurface approval. K. Eldridge seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed.**

7. Section 8.03.2 A: Groundwater protection, if located in a Groundwater Protection District.

A **Motion** by Fischbein to accept the waiver request for Section 8.03.2 A for relief from having to meet the Groundwater protection, if located in a Groundwater Protection District. Barron seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed.**

A **Motion** by Fischbein to accept the application as complete for **Case #24-02-SPRA**: Veterinary Urgent Care of NH c/o Amanda Flagg & Megan Witt and Owner: White & Brown Dog, LLC of 2025 Route 16, Tax Map: 024 Lot: 001 request for a Site Plan Review Amendment to open a Veterinary Urgent Care facility in the Road Side Commercial district. Barron seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed.**

The discussed conditionally approving the Site Plan Review Amendment pending receipt of the Fire Chief's letter of inspection.

Chairman Cohen called for public input.

Dallas Emery inquired and the Board confirmed they were discussing the Fire Chief's letter. Dallas Emery stated under the law they can ask the for the Fire Chief's recommendation but ultimately the final decision is up to the Board. Barron jokingly commented that if the Board gets in trouble, their going to blame him, meaning Dallas Emery. But Cohen and Fischbein both stated it is the law. Dallas Emery stated Barron should have watched the webinar the secretary had sent out to the Planning and Zoning Boards. Fischbein commented how do you know Barron didn't watch the webinar. Emery stated because of the answer he just gave.

Chairman Cohen called for a motion.

A **Motion** by Barron for **Case #24-02-SPRA**: Veterinary Urgent Care of NH c/o Amanda Flagg & Megan Witt and Owner: White & Brown Dog, LLC of 2025 Route 16, Tax Map: 024 Lot: 001 to Grant a Conditional Site Plan Review Amendment to open a Veterinary Urgent Care facility in the Road Side Commercial district. With the condition of receiving the Fire Chief's letter for the record and provided All Federal, State and Local Regulations shall be followed.

Fischbein Noted: The Selectmen, or any party to the action or any person directly affected has a

right to appeal this decision within 30 days. To avoid lapsing of the approval, there should be substantial construction or liability within 2 years of the decision. See New Hampshire Revised Statutes Annotated, Chapter 677 - Appeals, available on the Town of Ossipee website.

Unfinished Business:

- **Master Plan:** Housing Chapter Discussion continues... pending B. Stuart receiving a quote from Carol Ogilvie to complete the Master Plan.

Chairman Cohen read an email from Bruce Stuart in part as follows, “Spoke with Carol Ogilvie regarding help and cost to continue re-writing the rest of the Master Plan Chapters. There is approx. 14K left on the table of the HOPS Grant. She is going to contact the steering committee at NH Housing tomorrow and see if they will approve several of the other chapters of the MP that can be tied to the housing chapter. She will let me know and I will inform you of the results. Should be back in the seat for the next meeting.”

The Board had no further comments at this time.

Zoning Ordinance Changes: The secretary provided the Board members with a copy of each proposed zoning change and instructed to bring them to the public hearing to be held on January 16th, 2024 – 7:00 PM at the Town Hall Bud Avery Memorial Gymnasium.

- **Revision:** Article 11.2.4 (a)

The secretary read the proposed changes made to Article 11.2. RED = DELETE GREEN = ADD

11.2 GENERAL REQUIREMENTS

~~Cluster Developments may not be required to conform to the minimum frontage and lot size requirements of the Rural District but may be designed as provided by the provisions of this Article.~~

11.2.1. The total land area included within the development shall be a minimum of ~~(10 5)~~ acres with 25% of land left for open public space. (Amended ~~March 14, 2023~~)

~~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. (Amended March 14, 2023)~~

11.2.3. 11.2.2 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.

11.2.4. 11.2.3 The cluster development shall be served by a community water and sewer system if not on the municipal water and sewer system unless the soil conditions will permit individual on-site systems.

11.2.5. 11.2.4 Individual lots shall comply with the dimensional requirements for the Village District in accordance with Table 2 of this Ordinance.

11.2.4 (a) In all districts Except the Village District; the main cluster development shall have a side and rear setback of 25 ft. and a front setback of 40 ft.

~~11.2.6. The minimum width of open space between any cluster of lots or sites 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. (Amended March 14, 2023)~~

11.2.7. 11.2.5 All developments shall have at least one (1) entrance upon a Class I thru Class V public road and no more than one (1) entrance per eight hundred (800) feet of frontage on said public road.

11.2.8. 11.2.6 All roads within a development shall be constructed to Town standards.

11.2.9. **11.2.7** Pedestrian walkways shall be provided, where practical, for separation of pedestrian and vehicular traffic.

11.2.10. **11.2.8** The area which has not been built upon shall be consolidated into open space accessible from a road and shall be held in corporate ownership by the owners within the development. (Amended March 14, 2023)

11.2.11. **11.2.9** The open space shall be designed as an integral part of the development and used for recreation, conservation or park purposes. Such open space may be used to accommodate the community water supply and septic systems. (Amended March 14, 2023)

11.2.12. **11.2.10** The developer shall include in the deed to the owners, beneficial rights in said open space and any use of the open space shall be for the benefit for the owners. (Amended March 14, 2023)

Fischbein inquired if there has been any thought for a zoning ordinance for agritourism. Barron said no. But the secretary explained the remaining timeframe for submitting zoning ordinance changes. The secretary will speak with the zoning officer for his opinion.

Dallas Emery conveyed his perception of agritourism rules of having to obtain Planning Board approval and if they are going to offer it as a wedding venue, then they need to comply as a commercial business and be permitted and licensed as a business. Dallas Emery referred to the NHMA webinar he recently observed. Part of the agritourism classification the noise ordinance is not enforceable under agritourism per RSA 21:34. Under agritourism the main use must be the operation of the farm, if they venture into wedding venues or other activities that is not part of the farm operation, they then become a commercial business and must comply to all ordinances and regulations for commercial businesses. Discussion ensued over noise complaints in regards to agritourism in accordance with the RSA 21:34 (a) and RSA 674:32.

Discussion ensued over whether the Board wants to proposed an ordinance for agritourism.

- **Unsatisfied Conditions**

Board	Date of Conditional Approval	Applicant	List of Conditions
PB	05/17/2022	Case #22-04-SPR & #22-02-SUP: Maurice Bishop Rev. Trust c/o Jim Rines, of White Mountain Survey & Engineering, Inc. of 340 Route 16B. Tax Map: 074 Lot:010	1. Pending: NHDES septic approval 2. Pending: NHDOT curb cut approval.
PB	08/30/2022	Case #22-09-SPRA: Josh Kaake c/o 455 Route 16, LLC of 455 Route 16. Tax Map: 266 Lot: 012	1. Pending: NHDES Wetlands Permit Application for the new well. 2. Pending: NHDES Subsurface/Septic Approval 4. Pending: Planning Boards Signature Block on the plans 5. Pending: Final plans showing 3 buildings with the Certified Stamp by a Licensed Engineer on the final plans.
PB	08/15/2023	Case #23-09-SPR: Eric Clifford c/o Fire Side Lumber of 2245 Route 16. Tax Map: 014 Lot 004	1. Pending: Building permit applications approval - 2. Pending: NHDES approved Septic Design plan by a certified septic designer
PB	11/21/2023	Case #23-04-SUBD: The Neal Family Trust of Twin Cottage Lane off Blake Hill Road is Granted a Conditional Subdivision for a (3) lot subdivision	1. Pending: NH State Subdivision approval for Lots 1 & 2 for being less than 5 acres. 2. Pending: Receipt of Mylar Plan for recording

- **Case #22-04-SPR & #22-02-SUP:** Maurice Bishop Rev. Trust c/o Jim Rines – This case will be posted for a year before the Board can remove it from it's agenda unless the applicant submits in writing to the Planning Board withdrawing the application.
- **Case #22-09-SPRA:** Josh Kaake c/o 455 Route 16, LLC of 455 Route 16. Tax Map: 266 Lot: 012 - This case will be posted for a year before the Board can remove it from its agenda unless the applicant submits in writing to the Planning Board withdrawing the application.

- **Case #23-09-SPR:** Eric Clifford c/o Fire Side Lumber of 2245 Route 16. Tax Map: 014 Lot 004 – The secretary will contact Eric Clifford to obtain the status of his state septic approval.
- **Case #23-04-SUBD:** The Neal Family Trust of Twin Cottage Lane off Blake Hill Road is Granted a Conditional Subdivision for a (3) lot subdivision. – The secretary will contact Horizon Engineering to see if they have received the state subdivision approval.

Unfinished Business:

- **Master Plan:** Housing Chapter Discussion continues... pending B. Stuart receiving a quote from Carol Ogilvie to complete the Master Plan.

Chairman Cohen read an email from Bruce Stuart in part as follows, “Spoke with Carol Ogilvie regarding help and cost to continue re-writing the rest of the Master Plan Chapters. There is approx. 14K left on the table of the HOPS Grant. She is going to contact the steering committee at NH Housing tomorrow and see if they will approve several of the other chapters of the MP that can be tied to the housing chapter. She will let me know and I will inform you of the results. Should be back in the seat for the next meeting.”

The Board had no further comments at this time.

Next Meeting: **January 16, 2024:** Public Hearing on 2024 Proposed Zoning Changes at 7:00 pm at the Town Hall Bud Avery Memorial Gymnasium

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

Meeting adjourned at 7:59 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