

**OSSIPEE PLANNING BOARD
MEETING MINUTES
September 20, 2016**

Minutes recorded by Laura Nash, Planning Board Secretary; amendments are noted by ***bold/italic*** type.
Live Recording of meeting can be found on <http://www.governmentoversite.com>.

Call to Order: Ski called the meeting to order at 7:00 p.m.

Attendance by roll call: Ski Kwiatkowski - Chairman, Connie Billings – Vice Chairman, Roy Barron, Dennis Legendre, Frank Riley, Bruce Parsons, and Rick St. Jean (Alternate), and Steve McConarty (ZEO).

Absent: Bob Gillette

Ski Kwiatkowski raised Rick St. Jean to voting status.

Meeting Minutes: Review to approve Meeting Minutes of September 6, 2016.

Motion: by Roy B., seconded by Rick St. Jean to approve the minutes of September 6, 2016.

Abstained: Bruce Parson

All others in favor by show of hands, motion passed.

Unsatisfied Conditions (continued from previous PB Mtgs):

| Board | Date | Applicant | List of Conditions |
|-------|------------|--------------------------------|---|
| PB | 11/03/15 | LBWD | Ltr stating manufacturing/light industry only. – To be sent by PB |
| PB | 05/03/2016 | Lisciotti Dev't/Dollar General | SPR granted pending remaining conditions: #1: Official Letter from Fire Chief – Received 09/12/2016 via email from Bohler Engineering |
| PB | 05/03/2016 | Lisciotti Dev't/Dollar General | SPR granted pending remaining conditions: Pending #3: Final Sale Agreement/Deed |

* Items attached for Board review and decision.

Informal Discussion:

- **Mitch Yeaton:** White Horse Addiction Center wanting to buy house at 35 Route 16 B and move residential beds to this location. Will keep current location 70 Route 16B as office space. Mitch Yeaton presented his case. Discussion over whether the property already has a variance on the property or would one need to be applied for. The secretary will pull the tax map file for review and notify Mr. Yeaton whether he will need a variance and/or a Site Plan Review and variance.

- **Brad Leighton:** Chickville Rd. was informed by Roy Barron that he needs PB permission to give away crushed gravel from his driveway. John (**Rokie??**) representing Mr. Leighton presented the case. Discussion ensued over selling gravel and total cubic yards before a permit is required. After discussion and review of (**XXX, Section 3.2**) which states anything less than 1,000 cubic yards, does not require a permit. It was determined Mr. Leighton does not require a permit because he moved less than 1,000 cubic yards. But he does need to address the erosion control.

Ski polled the Board to determine if any further action is required and each member was all set with this case: **Ski – Yes, Connie – Yes, Frank – Yes, Roy – Yes, Dennis – Yes and Bruce – Yes.**

- **Rex Slaughter:** 1300 Route 16, would like to build a storage building on property, he's looking to purchase. Rex Slaughter presented his case. The property is commercial zoned and contains three lots. One is a vacant lot and would like to build a storage unit on it. Location is Rte. 16 at the old Fairpoint property. There is already a concrete pad and a fence around the property. The Board instructed him to apply for a Site Plan Review and the secretary will help guide him.

New Business:

- **Case #16-3-LM:** Linwood Nichols, Jr. & Bonnie Wilcox of Anne Nichols Rd, Center Ossipee. Tax Map: 97 Lots: 11, 12, 13, 14, & 15. Case continued from September 6th meeting requesting applicant's

presence to address questions concerning “Zoning Ordinance 4.4 Structures and Uses per Lot, Section (a) In the Village, Residential and Rural Districts there shall not be more than one principal structure allowed per lot...” Discussion between Bonnie Wilcox and PB ensued. Decision was made to split the lot merger.

Motion: by Ski K., seconded by Bruce P., to merge Tax Map: 97 Lot: 11 & 12. **All in favor by show of hands, motion passed.**

Motion: by Ski K., seconded by Roy B., to merge Tax Map: 97 Lot: 13, 14 & 15. **All in favor by show of hands, motion passed.**

Old Business: (Continuance Requested until September 20, 2016 meeting)

- **Case #16-3-SPR – Westward Shores Lakeside Camping Resort**, 110 Nichols Road, Tax Map and Lot: (23/6, 7, & 8) - (24/15, 18, 19, & 40) - (28/5, & 6) - (29/1, 2, & 3) - (38/15) for expansion of a recreational camping park. (Continuance from 08/16/2016)

- **Guest Speaker:** John Picard -

Letters received for **PB information only** concerning WWSCG: (Copies in packet)

- WWSCR response to Jones & Beach peer review
- Jones & Beach 3rd response to WWSCR
- NHDES Wetlands Permit #2016-00369

Motion: by Ski K., and seconded by Dennis L., to accept the Site Plan Review application as complete.

Discussion: Connie reviewed the application and subsequently stated it was not complete because all the permits are not approved at this time. Atty. Peter Malia addressed the PB stating according to section 6.04 of the Site Plan Review regulations the application is complete. Approval of the project could be conditional of receiving all permits.

Ski K., moved for a vote. **Abstained:** Connie Billings. **All others approve the motion in favor.**

Dan Flores, SFC Engineering presented a historical account and an update to the project stating, “We first came before this board in December 2015 with a concept. Since that concept we have scaled back development, and have agreed to set aside 45 acres of land for conservation easement. We have been before the Ossiipee Zoning Board of Adjustment and have received a Special Exception and a Variance for this project. We have had review by upwards of twenty agencies. We have been before the Ossiipee Conservation Commission while reviewing for the Wetland Permit and we have recently completed review by third party engineers chosen by this board. We are now before you having responded to everything asked of us from this board and with major NHDES permits in place.” We ask you tonight to grant us a Special Use permit submitted with our application and Conditional Site Plan Review approval for this project. SPR & SU Approval is needed in order to construct the three wells before the State will grant Water Supply Approval. Water Supply Approval is needed in order to get State Subdivision approval, which is needed in order to get Septic approval from NHDES.

Discussions over emergency and evacuation plans ensued, which Dan Flores addressed. A lengthy discussion concerning campsites on the peninsula, which will now be up on blocks above flood levels, is classified as a permanent structure. Rick St. Jean stated per the Municipal Attorney these structures would be considered permanent. Atty Malia requested documentation in writing from this municipal attorney to documentation supporting this decision.

After discussion concerning if the PB grants conditional approval would the Planning Board lose its right to address any further concerns or issues.

Concerns over flooding was raised again. At which point guest speaker, **John Picard** was introduced. John Picard was the second owner of WWSCR. He is one of the founding fathers of the Ossiipee Lake Dam Authority and continues to control the open & close of the Dam. John spoke of his experiences with three “high water” incidents, while owner of the campground. John spoke of moving campers during the first

high water and after that basically decided it was the camper's owner responsibility to take care of their own property.

Atty. Malia address the PB concerns of losing control for conditional approval for the SPR itself but not the application, citing page 15 & 16 of the SPR Regulations titled: 6.05.3. "Board Action on Completed Application", section (B) addresses minor changes, administrative, or permits and approvals which do not require another hearing. Or section (C) where the PB could apply restrictions on the conditions and allow another public hearing to be heard on the project. **Connie stated per Site Plan Review Regulation 6.05.3 (B) "The Board may grant conditional approval for a plan or application."**

Dan Flores and the Planning Board proceeded to address the remaining 8 concerns from the 3rd ltr of the Jones & Beach Engineering report as follows:

#2 – Are meeting FEMA requirements and are installing septic caps on the transient camp connection so when the camper leaves the cap automatically closes.

#5 – Elevation of leach fields – has been designed to be water tight with vent pipes three feet above flood elevation.

#9 – will be one parking space per unit

#40 – Has received NHDES approval

#43 – State requires the ZEO be in contact with the General Contractor and SFC Engineering during construction.

#44 – Special Use permit: can be applied for at same time as the SPR but are voted on separately.

#45 – Milfoil – per WWCR rules & regulations it's owner responsibility.

#46 – Emergency Evacuation Plan – it is tenant choice to leave or remove property from campsite.

Various members of the PB expressed their remaining comments and concerns.

Meeting opened to public for comments:

Zack Bossenbroek of Northgate Ossipee, LLC spoke of the classification of RV's is based on federal regulations, are not HUD approved and taxed as personal property and are not considered permanent structures.

Ann Cunningham, Freedom PB Chairperson – voting in as an abutter, she requested a continuance until the PB & CC of Freedom have a chance to have their engineer review the Jones & Beach report. Planning Board denied request.

Sam Martin – spoke of her displeasure and was ashamed with the attitudes of a couple of PB members and holding up the applicant on every little thing. ***Ski K., and Connie B., explain to the attending public they were not holding up the applicant. Ski explained the process. While Connie noted each time there was a continuance whether it was from SFC Engineering or from the PB. Dan Flores agreed to their explanation and stated he did not feel they were being held up or delayed.***

Susan Hoopla, Freedom – questioned if the evacuation road is crossing the railroad tracks and voiced her concerns for the Board to take time to make sure everything is in place before approving.

Corey Lane, GMCG – questioned soil narratives supplied by SFC Engineering. Corey claimed the soil type was not within the Ossipee Zoning Ordinance for the proposed septic system. Dan clarified the septic system comes under NHDES regulations. **Discussion was closed to Public.**

PB discussion over making the wetlands a conservation easement met with some opposition to tax fees, necessity if wetlands are not buildable anyways. **Dan F.**, stated they went through a lengthy discussion with NH Fish & Game and the designated area is what was suggested by F&G and agreed upon. Several PB members concurred. **PB** discussed options of providing a conditional approval and which conditions to list.

Motion: by Ski K., and seconded by Roy B., to conditionally approve the Site Plan Review submitted, per the plan dated September 20, 2016 with the following conditions:

1. State Water Supply Approval (needed for #2)
2. State Subdivision Approval (needed for #3)
3. NHDES Septic Approval

4. Complies with All Federal, State and Local Regulations/Ordinances.

No further discussion. **All in favor by show of hands** were Dennis L., Roy B., Frank R., Connie B., Ski K. **Opposed** were Bruce P. and Rick St. Jean. **Motion Passed.**

Motion: by Connie B., and seconded by Dennis L., to accept the Special Use Permit application. **All in favor by show of hands, Motion Passed.**

Dan Flores provided a brief description and reasoning for the Special Use permit.

Motion: by Connie B., and seconded by Roy B., to approve the Special Use Permit for the Subdivision based on the State's approval of the permits of the following:

1. State Water Supply Approval (needed for #2)
2. State Subdivision Approval (needed for #3)
3. NHDES Septic Approval
4. Complies with All Federal, State and Local Regulations/Ordinances.

No discussion. **All in favor by show of hands. Motion Passed.**

- **Plan NH – Accessory Dwelling Units (ADU's):** Status update - Connie B: Requesting to submit letter to the ZBA for changes to a couple of Ordinances. To be addressed at next meeting
- **Outdoor Event Ordinance:** Meeting was held on Sept. 12th. Frank Riley provided an update to the Board. A non-profit business can submit an application to the Select Board for approval. For profit businesses can submit a Temporary Event application for approval. One event per year but if a business wants to have multiple events per year, then they will need to apply for a Site Plan Review with the Planning Board. Final approval pending legal review of narrative before going before the Selectmen for a vote.

Master Plan 2016 Revision – Work Group Committee: Bob Gillette, Rick St. Jean, and Dennis Legendre:
Status Update: Status quo

Any Other Business Which May Come Before This Meeting

- **Budget Report:** 1st half of September– Frank Riley referenced the educational expense suggested increasing it for the 2017 budget year. PB to address at next meeting.
- **Budget meeting** scheduled for October 24, 2016 w/Selectmen @ 4:30 pm and Budget Committee @ 6:30 pm
- **Sager & Haskell, PLLC** – July statement balance = \$6,874.25. Discussion over which Board is overseeing this case. Morse Pit property is not reclaimed. Frank Riley still gathering information.
- **Sager & Haskell, PLLC:** OPB General Matters, Account 524.00 Balance -\$52.50 (credit) return to Town Administrator, Ellen White.
- **NH DOT:** Spring 2017 Project to repair roadway runoff coming down the hill from Rt. 16B southeast that has eroded and destabilized the stone work over the embankments. Ski to complete questionnaire and return.
- **NBI Seminars:** Land Use and Zoning from Start to Finish, a 2-day Practical Course to be held December 1st & 2nd in Manchester, NH. Dennis L., and Rick St. Jean would like to attend. Request denied, not in the budget. Dennis to attend **NHMA Lecture Series** – 2016 Municipal Law, October 15, 2016 in Concord and have the secretary register him for the lecture.

Adjournment

Motion: by Roy B., seconded by Rick St. Jean., to adjourn the meeting.

All in favor by show of hands, motion passed. The meeting adjourned at 9:21 p.m.

Minutes approved by majority vote of the Board on – _____
Date

Ski Kwiatkowski, Chairman