

OSSIPPEE PLANNING BOARD MEETING MINUTES December 20, 2016

Minutes recorded by Connie Billings, Vice Chairman and transcribed 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: Connie called the meeting to order at 7:00 p.m.

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

Bob Gillette addressed the Board – indicating Ski Kwiatkowski – Chairman has requested to teleconference into the meeting via phone. Connie called for rollcall vote in favor of allowing Teleconference with Ski K.

Bruce – Yes Roy – No, because he’s not present but if it’s legal. Dennis – Yes Rick – No, concurs with Roy and changed his vote to no. Bob – Yes Connie – Yes, only because it’s legal.

Bob attempted to connect with Ski K. but got his voice message. Bob would try again in a few minutes.

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

Motion by Connie B. seconded by Rick St Jean, to approve the minutes of December 6, 2016.

All voted in favor of approving the minutes by show of hands, motion passed.

Unsatisfied Conditions: (continued from previous PB Mtgs) NO UPDATES

Board	Date	Applicant	List of Conditions
PB	11/03/15	LBWD	Ltr stating manufacturing/light industry only. – To be sent by PB
PB	09/20/2016	WWSCR-Northgate Ossipee, LLC	SPR granted pending remaining conditions: Pending #1: Water Supply Approval
PB	09/20/2016	WWSCR-Northgate Ossipee, LLC	SPR granted pending remaining conditions: Pending #2: Subdivision Approval
PB	09/20/2016	WWSCR-Northgate Ossipee, LLC	SPR granted pending remaining conditions: Pending #3: NHDES Septic Approval
PB	12/06/2016	Tim Carnes-Sunny Villa	SPRA granted pending remaining conditions: Received on 12/14/2016 Outdoor Event description and parking map plan. #1: Description of Events
PB	12/06/2016	Tim Carnes-Sunny Villa	SPRA granted pending remaining conditions: Received on 12/14/2016 Outdoor Event description and parking map plan. #2: Location of Events on Map Plan
PB	12/06/2016	Tim Carnes-Sunny Villa	SPRA granted pending remaining conditions: Received on 12/14/2016 Outdoor Event description and parking map plan. #3: Insurance
PB	12/06/2016	Tim Carnes-Sunny Villa	SPRA granted pending remaining conditions: Received on 12/14/2016 Outdoor Event description and parking map plan. #4: Maximum of Attendance
PB	12/06/2016	Tim Carnes-Sunny Villa	SPRA granted pending remaining conditions: Received on 12/14/2016 Outdoor Event description and parking map plan. #5: Parking
PB	12/06/2016	Tim Carnes-Sunny Villa	SPRA granted pending remaining conditions: Received on 12/14/2016 Outdoor Event description and parking map plan. #6: Police Notification

PB Members reviewed submitted documentation from Tim Carnes of Sunny Villa for remaining condition criteria’s.

Motion: by Roy B. and seconded by Dennis L. to accept submitted documentation and GRANT final approval of Sunny Villa's Site Plan Review Amendment to hold Outdoor Events. **All voted in favor by show of hands. Motion Passed.**

Informal Discussion:

(Informal discussions are non-binding, any comments or discussion heard, are non-binding on either party.)

- **Ryan Downer:** Missing Link Equipment –purchasing property next to Clark's on Rte. 16. Wants to start a business for rental, sales and repair of equipment.

Connie B. request to recuse himself from this case because he has worked for him in the past. PB determined since this is an informal hearing and there is no vote intended there is no need for Connie B. to recuse himself.

Bob G. tried to contact Ski K. again by phone and left a message.

Ryan Downer presented his plan to the Board of starting an equipment rental business at 1004 & 1006 Route 16, south of Clark's. Wetland study has been done and filed with State. Roy & Bob posed questions about property lines with abutting owners and any structures currently on location. Downer explained there is a foundation but it straddles two property lines and they are family friend and are working them to straighten out property lines. The property is Commercial zoned with good visibility north and south on Route 16. Driveway permit is pre – 1970's. Downer would like approval to start business but would build for at least a year. PB instructed Downer to apply for a Site Plan Review once that process was done; there is 30 day appeal process. He would have two (2) years in which to build but he needs to apply for the Site Plan Review first.

New Business:

- **Budget & Revenue Report – 11/01/2016 – 11/23/2016**
- **Petitions: to schedule Public Hearings**
 - The adoption of RSA 674:71, RSA 674:72, and RSA 674:73, the Accessory Dwelling Units (ADU).
 - To amend Article 3.2 Zoning Map of the Ossipee Zoning Ordinance to change the zoning classification of Tax Map 8, Lot 22 from Village District to Roadside Commercial District.

Bob G. wanted to wait on scheduling hearing until more warrant articles had come in. Connie B. indicated the time constraint with State regulations. Sam Martin retrieved the Municipal Calendar for reference.

Bob G. noted the ADU Committee worked a more detail Article with Steve McConarty, ZEO, they would like to present tonight.

Connie asked Bob G. to read the petition from Ash Fischbein.

Motion: by Connie B. and seconded by Roy B. to hold public hearing on submitted petitions on Tuesday, January 17, 2017 at 7:00 PM. All voted in the affirmative by show of hands. **Motion passed.**

Motion: by Roy B. and seconded by Rick St. Jean to hold second public hearing on submitted petitions on Tuesday, January 31, 2017 at 7:00 PM. All voted in the affirmative by show of hands. **Motion passed.**

- **Wetlands & Non-site specific Permit: (FYI)**
 - David Spirito – 52 Ridge Road. Tax Map: 35 Lot: 11. Seeking Wetland permit to replace existing stairs to water. PB read and noted letter.
 - Town of Freedom vs. Town of Ossipee & Ossipee Planning Board: Court date of January 12, 2017, at 1:00 pm. PB read and noted letter.

Old Business:

- **Plan NH – Accessory Dwelling Units (ADU's):** Status update – Bob G. submitted two suggested Amendments on ADU's. One for attached ADU's and one for Detached ADU'S. Bob G. stated these are consistent with State definition, key provisions in the law, and contains provisions worked out with the Town ZEO to address issues that will arise. Follows directions from the NH Municipal Association and is consistent with what other Towns have adopted and/or are considering.

- Bob G. proceeded to read Amendment #1.

Amend. 1 – B: PB discussion ensued over the recording of the definition of RSA 674:71 by excluding Manufactured Homes. Some members felt if the definition is being copied per the RSA, it should be expressed per the RSA and not injected with other language.

Amend. 1 – C (1): Connie opposed statement “this provision does not permit a detached ADU.” As irrelevant.

Amend. 1 – C (3): Connie opposed statement of putting restrictions on size.

Amend. 1 – C (9): Connie and other members opposed statement “the owner of the property.” Because some properties are owned by LLC's and Corporations.

Steve McConarty, ZEO - would prefer to see both amendments combined as one, addressing attached and detached ADU's.

Discussion opened to Public Comments:

Marie McConarty asked if the law provides for many units on a lot of land. Bob G. explained the amendment would propose limiting to only one (1) ADU unit. Marie asked how many can ADU's can someone have on their lot of land. Roy B. stated it depends on acreage, setbacks and how many kids in your family. Connie B. explained about setback, septic and well requirements, will limit the number of ADU's allowed per lot. Marie understands the intent of the law is towards families and to aid with aging parents.

Sam Martin addressed **Amend. 1 – C (9)**, ask whether the State suggest, “The owner may occupy or must occupy either the principal dwelling or the ADU.” Connie B. replied May.

Bob G. explained the Law does not specify owner occupancy but the NH Municipal Assoc. recommends if you want to avoid turning a property into a duplex with an absentee landlord, that you require owner occupancy.

Sam Martin asked if a building permit is needed for each one. PB replied yes. Sam commented so they need to meet Ossipee Zoning requirements and State sewer and water regulations. Asked if there is some way of putting controls on these laws, so Ossipee does end up with multi-apartment complexes.

Bob G. referenced the NH Municipal Conference held on ADU's and recalled Attorney, Ben Frost from NH Housing Finance Authority made a point saying “you know another way this could help families. They could have a rental property an additional income stream if they build and ADU.” Bob stated it does not need to be occupied from family members. But daisy chaining them down the road is not what this law is intended for.

Dennis L. commented on the lack of data the NH Municipal Association had on this discussion. Dennis commented one of the first examples he gave was “young people today would rather rent than own.” Dennis declared they can’t own anything because their pay is too low, not because they don’t want to.

Bob G. noted right or wrong the law does not specify how many units can be put up. It’s up to the Municipalities.

Marie McConarty asked if any of the Board members have talked with surrounding towns to see how they are working the laws into their Zoning Ordinances. Steve M. and Bob G. both stated they have asked other towns.

Steve McConarty stated most towns are requiring only one (1) ADU and limited the structure to 850 – 1,000 square feet. Bob G. noted the law does not allow going below 750 sq. feet.

Steve McConarty stated the Town will be working on fine tuning the Zoning Ordinance on ADU’s for years to come.

- Bob G. proceeded to read Amendment #2 pertaining to RSA 674:73 a Detached Accessory Dwelling Unit.

Amend. 2 – (2): Connie questioned, “Meets the minimum lot size” to what? Bob G. replied the Zoning district example: if it’s the Village zone, minimum lot size is 10,000 sq. feet. If it’s the rest of the town where residence is permitted it’s one acre.

Amend. 2 – (4): Sam Martin questioned what Bob G. is reading because it does not match on the sheet she has in hand. Bob G. reviewed and said, “Not to exceed 1,000 sq. feet, unless so permitted by Special Exception by the ZBA.” Sam reiterated it does not say “the ZBA” and to stop saying verbiage that is not there.

Amend. 2 – (6): Roy questioned the need for the extra 20% of frontage. Steve McConarty explained the rationale and Bob G. stated the ADU committee is trying to address potential issues that may arise ahead of time.

Amend. 2 – (10): Connie contested this additional requirement cannot be imposed because you are preventing the land owner from being able to subdivide the property in order to sell the ADU or the principal dwelling. Bob G. disagreed.

Sam Martin questioned if a landowner is able to put multiple ADU’s on their property could the landowner condominiumize their property. Bob G. replied only if more than one ADU is allowed per lot, but we are proposing allowing only one ADU per lot.

Amend. 2 – (9): Jonathan Smith asked Bob G. how he would conduct the enforcement of owner occupied on premises, if I move out and rent both the ADU and primary dwelling but I retain ownership and pay the taxes. How are you going to enforce the owner must occupy one of the dwellings. Bob G. indicated this scenario came up at the NH Municipal Association seminar on ADU’s, but there was no clear answer outside of being able to levy a daily fine on the owner per the Zoning Ordinances.

Amend. 2 – (7): Connie pointed out to Bob G. that “the ADU shall provide at least (2) off-street parking spaces in addition to those required of the principal residence,” but he neglected to mention how many off-street parking spaces the primary residence needs.

Connie B. stated you can impose or change an ordinance that is not even in effect yet. Accused Bob G. of being discriminatory on some of these amendments.

Roy B. stated some of these provisions need to be fixed.

Sam Martin perceived that this new law is very broad and open. Bob G. agreed saying every Town is having to adopt the new laws and adjust them to their Town’s own ordinances and restrictions.

Connie moved to take this discussion under advisement until January 3rd meeting.

- **Master Plan 2016 Revision** – Work Group Committee: Bob Gillette, Rick St. Jean, and Dennis Legendre: **Update:** Bob G. noted nothing to report.
- **Jones & Beach Engineers, Inc.** invoice = \$6,679.75: **Update:** Bob G. stated he sent the secretary a draft letter stating the Board’s position but does not know if she received it and had Ski K. sign the letter.
- **Site Plan Review:** update to application and instructions to include Amendments for Outdoor Events. **Update:** is to wait for secretary’s return.

Letters: (FYI – ONLY)

Dan Hole Pond Watershed Trust (DHPWST) – Letter in favor of going ahead with contracting for the Build-out study. After receiving an understanding from the PB December 6th meeting that the majority of PB members believe the build-out study would potentially benefit the town.

Bob G. asked to read the letter and **Connie B.** said no Mr. Gillette, I want you to recuse yourself since your wife is on the DHPWST Board. Connie made copies of the letters for the other Board members.

Board discussion ensued over who told Mr. Pratt the PB had approved the gift offer for the Build-out study.

Connie B. proceeded to inform the Board and attending public the sequence of events surrounding this letter. The offer was initially approved by a 4 – 2 vote by the PB, with Connie and Roy opposing. Ed Comeau then noted this offer from DHPWST would be considered a gift with monetary value and can only be approved by the Selectmen. The PB recanted the first vote and re-voted on the offer. The offer was voted down by 3 – 2 with Bob and Ski voting in favor of the gift and Bruce abstained. It was pointed out that this offer would be considered a gift to the Town.

Connie noted 1) by law, anything over \$5,000.00 must go out to bid. 2) The Selectmen are the only ones who can accept a gift for the Town.

3) The information has been turned over to the Selectmen, who are setting a date for a public hearing. The Selectmen want to know 1) where the money is coming from 2) what company is DHPWST contracting with for the study, etc....

Heated debate ensued amongst the Board members.

Motion by Bruce P. and seconded by Roy B. to adjourn. Chairman Connie declined the motion with a discussion still on the table.

Sam Martin voice her frustration at Bob G. for going against the body of the Town and for going behind everyone's back and asking DHPWST to do the build-out study. Rick St. Jean accused Bob G. of trying to force it down everyone's throat.

Bob G. stated the only vote that was taken was whether to expense \$3,000.00 for the build-out study, and the Town's people voted, no. This comment sparked an eruption of comments from various members of the Board. Connie stated it had more to do with having Green Mountain Conservation Group involved.

Bruce P. and Rick St. Jean proceeded to leave the meeting at 8:34 PM.

Ash Fischbein – Economic Development Council commented on how he had to reach out to other Town's on how to approach working with the Town bodies on Economic Development in Ossipee. He would like to know what experiences the Town has had with conservation groups to have such a strong disapproval for them because he has not had that experience with them thus far.

Any Other Business Which May Come Before This Meeting

Not Applicable

Adjournment

Motion by Connie B. seconded by Roy B. to adjourn the meeting.

All in voted in by show of hands:

The meeting adjourned at 8:41 p.m.

Next Meeting: January 3, 2017 @ 7:00 pm

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

Connie Billings, Vice Chairman