

**OSSIPEE PLANNING BOARD
MEETING MINUTES
March 21, 2017**

Minutes recorded by and transcribed by Laura Nash, Planning Board Secretary, amendments are noted by ***bold/italic*** type.

Live Recording of meeting can also be found on <http://www.governmentoversite.com>.

Call to Order: Interim - Chairman, Connie Billings called the meeting to order at 7:00 PM.

Attendance by roll call: – Connie Billings, Roy Barron, Dennis Legendre, Bob Gillette, Tim Otterbach, Sandra “Sam” Martin, Rick St. Jean and Steve McConarty (ZEO).

Billings raised Rick St. Jean to voting status in place of Peter Zavas

Welcome New Members: Billings welcomed newly elected Peter Zavas, Tim Otterbach, and Sandra “Sam” Martin to the Board. Billings will write a letter of gratitude to former members Ski Kwiatkowski and Bruce Parsons for their hard work, dedication and commitment to improving the Town of Ossipee.

Elect a New Chairman: Billings called for any motions for the Chairman position:

Motion by Martin to nominate Billings as Chairman for the Planning Board. Legendre seconded. No discussion. A unanimous vote was taken.

Elect a New Vice Chairman: Billings called for any motions for the Vice-Chairman position:

Motion by Martin to nominate Barron as Vice Chairman for the Planning Board. Legendre seconded.

Motion by Gillette to nominate Otterbach as Vice Chairman for the Planning Board. No one seconded, motion called dead.

With no more nominations.

Billings called for a vote all those in favor of Barron’s as Vice Chairman. No discussion. All others voted in favor. Gillette and Otterbach abstained.

Meeting Minutes: the Meeting Minutes from 3/07/2017 were reviewed.

A Motion made by Barron to approve the minutes of the 3/07/2017 Planning Board meeting as written. Seconded by Legendre. No discussion. Billings, Legendre, Barron and Gillette voted in favor of accepting the minutes as written. Martin, Zavas, and Otterbach abstained.

Late Arrival: Peter Zavas at 7:04 PM

Billings returned Rick St. Jean to alternate status in place of Peter Zavas’ arrival.

Financial:

January 2017 - Sager & Haskell statement on Ossipee Planning Board v. Morse (gravel pit). The Board acknowledged the amount is the same.

Unsatisfied Conditions: (continued from previous PB Mtgs) Connie B. noted - NO UPDATES

Board	Date	Applicant	List of Conditions
PB	11/03/2015	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 Court decision. #1: Water Supply Approval
PB	09/20/2016	WWSCR-Northgate Ossipee, LLC	SPR granted pending remaining conditions: Pending Court decision. #2: Subdivision Approval
PB	09/20/2016	WWSCR-Northgate Ossipee, LLC	SPR granted pending remaining conditions: Pending Court decision. #3: NHDES Septic Approval

New Business:

- **Case # 17-2-SPR:** Irving Energy c/o Michael Henault, 135 Route 16B - property owner Highlands Fuel Delivery, LLC. Tax Map: 87 Lot: 28 & 30. (Case Continued until 4/4/2017 by request of the PB)
- **Case # 17-3-SPR:** Valley Point, LLC c/o White Mtn Survey, to develop 2400 Route 16. Tax Map: 7 Lot: 11. Intends to raze all existing manmade features and redevelop the to include a 5,000 sq. ft. convenient store w/ 25 parking spaces, drive-up window for coffee & prepackaged food, a dedicated service and unloading area. Four (4) two (2) fuel pump dispensing islands, a fuel delivery station, drinking well water, 600 – gallon per day effluent disposal system and driveways onto routes 16 & 41 etc....

Letters received relative to Case #17-3-SPR:

1. Email letter received March 21st from Town of Tamworth
2. Email letter received March 20th from Bob Gillette
3. Email letter received on March 20th from Maureen Raynes
4. Email letter received March 20th from Rick Sager
5. Email letter received March 19th from Robert Newton
6. Letter received March 16th from NHDES c/o Hank Letarte

A Motion made by Billings to take the application for discussion. Seconded by Martin. No discussion. A unanimous vote was taken.

Jim Rines of White Mtn. Survey & Engineering present to present case.

Billings started the discussion by informing Mr. Rines of missing information as follows:

1. **Provide names and addresses of all persons with a 10% or greater interest per the application.** Rines explained the entity is owned by an LLC and the Attorney is here as well. Rines introduced Marshall Hickok, Attorney for LLC. Hickok stated the LLC is owned 50% each by the Cushing daughters and the resident agent is Hank Letarte.
2. **Appointment of Agent form is not signed by the correct owners.** The current document was signed by Brad Cushing on 2/16/2016. Zavas pulled the file from the Secretary of State website. Valley Point, LLC business ID is #7369899. Hickok noted from his documents Laurie Cushing's and Kara Norris are each 50% members. But the LLC is a manager run not member run LLC and Brad Cushing's was appointed the manager, so he would have authority to sign for the owners. Hickok provided copies for the PB file.
3. **Need system design for the pumps?** Rines noted present is Dennis Boisvert, who is in the process of designing. Rines commented final designs are pending if the PB is receptive to the conceptual layout per NH DES requirements. Billings noted they would still need fire system over the pumps. Boisvert replied only un-maned stations require fire suppression systems. Since this will be a convenient store with employees on site, it won't be un-maned and only shut off valves are required per National

Fire Protection Association (NFPA). The Board stated they would need those codes presented. Mr. Boisvert replied stating NH DES will not issue a permit unless they meet all the required NFPA codes.

4. **Approval Letter from Fire Chief.** Mr. Boisvert explained the plans have not been submitted to NHDES, so the Fire Chief's letter will not be submitted until the plans go to NHDES. Billings addressed hazardous material. Rines noted other than the gasoline, which was approved by a variance from the ZBA, and regulations for the Site Plan Review, there are none.

5. **Lighting Plan Incomplete:** Per Gillette, it does not show illumination levels.

A Motion made by Billings to accept a Conditional Application pending receipt of the following documentation: Barron seconded. No discussion. A unanimous vote was taken.

1. **Approval Letter from Fire Chief**
2. **NFPA Citation Codes**
3. **Lighting Plan Completed**

Rines started his presentation by introducing Mark Lucy, Senior Design Engineer with White Mtn Survey & Engineering, Marshall Hickok - Legal Counsel for the owners. Also present is John Ouellette, Scientist and Project Manager for the remediation of the site from Ransom Consulting Inc., Steve Rickerich, Professional Geologist and VP of Ransom Consulting, Inc. and Dennis Boisvert, P.E., designer of underground storage tank systems and who will be responsible for designing this system. Rines gave a recent two year history of the property.

Rines commented on a significant increase in groups calling to oppose the project, writing letters to the editor and postings on the Green Mountain Conservation Group (GMCG) website. GMCG contacting surrounding Town's Planning Boards and abutters.

Rines noted tonight's meeting is not to rehear the zoning but to focus on the requirements for Site Plan Review.

Rines noted the historic use of the property is the subject of the Ground Water Management Permit - GWP19930904-0-003 and submitted a letter from March 1, 2017 to Hank Letarte from Todd Piskovitz.

Piskovitz letter states the petroleum plume is also located beneath Route 41 in a downgradient property at 10 Route 41. Piskovitz also states the plume is stable and not expanding.

Rines stated the redevelopment proposal will have no impact on the existing situation or potentially improve it by elimination of any remaining contaminated soil that may be discovered during redevelopment.

Rines noted the current impervious coverage is at 72.8% would be reduce to 54%.

Storm water runoff computation because of the impervious reduction and a storm water mitigation design in a 50 year storm event, the total site runoff will be reduced by 20.74 cu. ft. per second to 10.28 cu. ft. per second. Which is about a 50% reduction.

Volume runoff will be reduce from slightly over 1 acre foot to slightly over 1/2 acre foot. Which is about a 50% reduction.

Proposed storage tanks will comply with present day standards and have double walled, interstitial alarms systems, fill site will have concrete pad, spill protection, distribution lines will be double walled, pump are will be grooved concrete pad, a high point covered by canopy, and spill protection prevention devices at all pumps.

Parking require 1 space for every 200 square feet of sales floor area per Site Plan Review Regulations, Section 8.01.2 table #1. Per 5,000 sq. ft., will require 25 parking spaces.

Per ADA requirements for (25) parking spaces requires a minimum of (1) handicapped parking space. The proposal includes (2) handicapped parking spaces at front entrance.

Site Lighting includes (8) Wall Mount lights on the building and (9) pole mounting lights:

1. (1) At fuel delivery area
2. (1) at drive thru area
3. (1) Employee parking area
4. (5) Around exterior parking area travel lane around the building.

All site lighting shall be equivalent to Spaulding lighting Cimarron LED International Dark-Sky Association or IDA compliant.

The site is outside the 500 year flood plain according to FEMA, Rines illustrated on the FEMA map. Base on cross sections from the FEMA study the highest elevation of the 500 year flood plain is 430.25 ft. and the lowest elevation on the site is 438 ft. Approximately, (8) ft. above the flood plain.

No jurisdictional Wetlands on the property.

Permits Required:

- NHDOT Entrance permit on Route 16
- NHDOT Entrance permit on Route 41
- Application has been filed with NHDOT
- NHDOT Scoping Meeting pending decision of the PB before moving forward
- Subsurface Sewer Disposal System permit
- Proposed Well design pending review/decision of the PB before moving forward to NHDES and Water Supply Bureau
- NHDES for Underground Storage Tank permit and show compliance with their UST Regulations.

Billings: Opened Discussion to the Planning Board.

Otterbach: questioned if Rines had information on the potential impact from the 100 year flood. Rines illustrated via the maps the outlined area for the 100 year flood. The site is completely outside the flood range.

Otterbach: Per conversation with Victoria Chase of NHDOT, there is no site plan except the presentation plan for the intersection of Route 16 & 41 because of several considerations. Rines noted their plans reflect current conditions, not what might be in the future. Mark Lucy commented this site design was figured if NHDOT goes ahead with the reconfiguration of Routes 16 & 41; it will not impact this site.

Otterbach: Inquired about concrete limiting barriers at the fuel pumps, island or delivery station. Rines noted that will be part of the design and approval of the underground storage tank plans.

Legendre: Questioned if employee training for fuel spills is a priority and is it a NHDES requirement. Boisvert replied training of minor spills for employees is part of the permitting requirements. Staff is not expected to handle a major spill. M. Lucy stated NHDES will not allow the business to open unless all training has taken place.

Comments started flowing about the contamination levels.

Rines commented the remediation process is and has been ongoing. Suggestions have been made to NHDES on how to remediate what is under Route 41. But NHDOT & NHDES are not in favor of digging up Route 41.

Martin: inquired about Overlays with the Monitoring Drinking Wells. Rines illustrated the location of (3) wells. Martin questioned if number (3) is leaking. Steve Rickerich, Professional Geologist and VP of Ransom Consulting, Inc. spoke of the close proximity of the former gas tanks and dispensers. The monitoring wells and the remediation system were targeted at this location because the underground water flow towards Route 41. But there is no contamination levels at the wells on this site. The underground water flow has moved any contamination across Route 41. Discussion over the timing of testing the water ensued.

Rickerich noted there was one sample that tested above the standards but none since. Martin noted per conversation with NHDES, it is unknown what contamination, if any, is under the building. NHDES would like to be present when construction and demo begins, so they can do soil samples from under the building.

Rickerich noted if anything is detected, it's an opportunity to get everything cleaned but they need to meet remediation standards.

Rines discussed the ground water levels being deep down 30 – 35 feet and since, 1993 has not come higher than 20 ft.

Otterbach: hypothesized about contamination spreading if torrential rains came during construction of the new leach field. Rickerich replied no because the gas tanks and dispensers were closed to the road away from where the new leach field is proposed.

Rines discussed relocating the well to the north end of the property and will comply with State standards of being 250 feet of separation.

Barron reminded Rines of the right of way to the Cemetery along the Old Route 16 Roadway. Barron and Rines are to meet to discuss an access road to the cemetery.

Gillette: question if any tanks or pumps be within 500 feet of the public wells. Rines noted the only public well is at Hobbs Tavern and the distance is 534 feet to the pumps or tanks. Rines provided a list of all the public water systems in the Town of Ossipee. There is a well on the Covered Bridge Rd. but it's inactive.

Gillette: Suggested some upgrades (similar to *Irving Gas Station* on Rte. 16 & 28) of the pumps and tanks due to the close proximity of public wells. Some upgrades were:

- Triple walled fiberglass piping
- Installation of full collar sumps at the dispensing station
- Oil & Water separator
- (5) Gallons sumps or greater at the juncture between underground storage tanks and the output, so any leakage there would be captured.

Per conversation with Michael Juranty at the NHDES - Administrator of Oil and Mediation Bureau, the State has not experienced catastrophic failure of a double hulled tank but has experienced severe leaks of over 100 gallons.

Gillette: questioned how one deals with a potentially large surface spill. Boisvert explained at delivery site there are 5 gallon containers which catch any dripage from disconnecting the hose from the sump dispenser.

Boisvert stated at this stage of the design NHDES has certain standards and this design meets those standards. It does not mean adjustments can't be done.

Discussion between Gillette and Rines over meeting seemingly minimal standards and interpretation of creditable risks ensued.

Otterbach: stated the only difference between the gas station on Route 16 & 28 is this station will be on the aquifer. **Rines** informed Otterbach that all gas stations in Ossipee are on the aquifer and everyone on this Board has approved at least one them.

Billing Opened Public Input:

Steven Gray, Tamworth, a letter was submitted Requesting the Town of Tamworth be given abutter status under RSA 36:54 Development of Regional Impact.

Billings asked Legendre to read Ossipee Zoning Ordinance XXXIII – Definitions:

ABUTTER: Any property owner whose property is located in New Hampshire and adjoins the boundaries or is directly across the street or stream from the land under consideration. For the purpose of receiving testimony only, and not for purposes of notification, the term abutter shall include any person who is able to demonstrate that his land will be directly affected by the proposal under consideration.

Billings informed Mr. Gray, the request by the Town of Tamworth to have abutter status will not be granted at this time because as the Tamworth Town Administrator stated in the letter “**The NH OEP Planning Board Handbook (Nov. 2106, Page 1-8) states that when the planning board accepts an application as complete, it should also take a vote to determine if the proposed development might have regional impact or not.**” Billings continued by stating the application has not been accepted as complete, therefore abutter status cannot be granted to Tamworth or any other Town. Everyone is allowed to ask questions but will not be granted abutter status at this time.

Sheldon Perry, Tamworth: stated clearly, this project has “Regional Impact,” and as such, other Planning Boards were contacted early on in this process. What were their outcomes? Billings explained the application and applicant are just being presented tonight. What other Boards granted is out of this Planning Boards realm of duties. No other Planning Boards have been notified by this Planning Board. Perry asked if the other Planning Boards will be notified. Billings stated that will be up to this Board to decide.

Several residents of Tamworth voiced their concerns and disapproval of another gas station in the area. Along with high volume traffic at this intersection and if NHDOT traffic study was going to be done.

Rines explained once their allowed to move forward with the Site Plan Review; a scoping meeting will be scheduled with NHDOT. At that time, NHDOT will determine if a traffic study is required.

Blair Folts of Green Mountain Conservation Group had concerns with the aquifers under this site. Requested if the tanks could be installed above ground. She liked Gillette’s suggestion of tripled walled tanks. Asked the Planning Board to mitigate this project ahead of time before a serious spill occurs. She referenced Tractor Supply Store and the Irving gas station opted to install tanks for collecting any water runoff and requested the Board to consider these options.

Walter Day expressed concerns of Ossipee Fire Departments capabilities of handling and containing a tanker spill.

Several more residents voiced concerns and requested for a traffic study be required for this area.

Gillette raised the issue of regional impact, again and noted RSA 36:54 thru 36:58 address Regional Impact. Gillette went on to read RSA 36:56. Board discussion ensued over whether Regional Impact is considered at time of receipt of an application or when the application is accepted as complete per “The NH OEP Planning Board Handbook (Nov. 2106, Section: I, Page 8) states that when the planning board accepts an application as complete, it should also take a vote to determine if the proposed development might have regional impact or not.” Otterbach and Gillette requested clarification from Town Counsel prior to the next meeting.

Otterbach commented at this time NHDOT has not received, seen or reviewed drive permits for either Route 16 or 41. Rines and Lucy vehemently disagreed stating the applications were submitted on February

23, 2017. Connie clarified the site currently has approved drive but Valley Point, LLC. Is looking to relocate the drives. So they have to apply for the relocation but they do have approved driveways.

Board discussed with Rines at what stage of the application process we're in and remaining requirements needed. Along with impervious versus pervious ground coverage around the pumping station to prevent leaks from seeping into the aquifer.

Ash Fischbein extremely concerned for the aquifer as it's needed for the brewery. Explained to mitigate something is not to block it out but to somehow meet in the middle and mitigate any issues that could arise to prevent anything serious from happening. Suggested the Planning Board and the attending Public need to take a step back and understand why we're all here. Ash commented that White Mountain Survey and Valley Point, LLC are trying to terrorize the Town, their trying to better a property. That will help taxpayers, bring jobs, and help a lot of things, and YES, comes with risks. Could potentially come with a lot of problems. Ash stated as an Ossipee resident he does not want to stare at that property the way it is. It doesn't look good. If conservation got their way, he feels it would be preserved the way it is and would be a BIG black eye on our Town. There has to be balance. There hear to get input to make it better.

Diane Sullivan express her disapproval of having another gas station within a ten mile radius, traffic on Route 41 on Saturday mornings, and would prefer to see different type of business in this location to preserve the scenery of Mount Whittier.

Marie McConarty understands the concerns but if there were other opportunities coming to develop this property but there's not. It's not our concern if they make money. There coming to the Town asking to put in a gas station. As a Town, we need to accept people, who want to come into the Town to help the Town grow. Or to help the Town make money and lower tax rate.

Martin asked Rines if it's possible to have the ingress and egress on Route 16. Lucy explained NHDOT would prefer the existing curb cut be further north on Route 16 away from the (4) way intersection. Pertaining to Route 41, NHDOT has given preliminary okay in early discussions to having a roadway opposite Depot Square. But we are open to any suggestions so when we go to NHDOT for the scoping meeting. We can bring the ideas.

Corey Lane of Green Mountain Conservation Group, spoke of the Town people voted no more gas stations and (2) variances were granted. But the concerns are for the aquifer and people's drinking water. Lane question Mr. Lucy, according to 01/03/2017 meeting, stated the flood plain areas approximately below elevation 422 are within the 100 year flood plain. Lane questioned if the current site in the 100 year flood plain or is the proposed site above the 100 year flood plain or was there an error in part of this property being in the flood plains. Lucy agreed he did say that but evidently, it was in error. Rines illustrated according to FEMA the whole area is above the 500 year flood plain and the lowest part of the property is at 438 ft. which is (8) ft. above the flood plain.

Motion made by Martin to closed the public hearing. Barron seconded the motion.

Point of Order by Jim Rines suggested the public hearing cannot be closed unless the Board plans on reopening the public hearing later on, so the public can speak on any modifications made to the plans.

Martin acknowledge she worded her motion incorrectly, she meant to say Input not hearing.

Motion made by Martin to closed the public input. Barron seconded the motion.

Billings Closed Public Input.

Gillette suggested listing the additional requirements for the applicant for the next meeting.

Application Conditions:

1. NFPA – Fire suppression citation
2. Letter from Fire Chief
3. Lighting plan showing levels of illumination
4. Schedule scoping meeting with NHDOT to address aquifer and traffic study
5. Speak with owner of LLC to discuss additional Safeguards above and beyond the standards (Triple wall tanks, piping and double wall sumps)
6. Access easement/right of way to the Cemetery
7. List of Licenses/Permits from NHDES that will be needed
8. ????? Permit

Motion made by Billings to conditionally accept the Conditional application. Legendre seconded.

Discussion: Rines requested if the Board had any further questions for the professional geologist and others. Before Rines dismisses them from coming to further meetings.

Gillette asked for clarification of the contaminated soils having migrated away from this site to under Route 41. Rickerich explained again, that between the migration and the previous cleanup the site low to no positive test results during the 2016 and 2017 soil sample testing.

Billings informed Mr. Rines directly, “If the Planning Board does approve this project, that site will be cleaned up 100 % under the supervision of NHDES. That will be one stipulation if the case is approved.”

Billings called any further discussion. No discussion. A unanimous vote was taken.

Motion made by Billings to continue this case until April 18, 2018 Planning Board meeting. Martin Seconded. A unanimous vote was taken.

Jean Marshall questioned when will the Board vote on Regional Impact and notify the surrounding Town’s. Billing’s informed her and the public “Before any abutter status is given there needs to be a letter from your Town Selectmen appointing a person to represent that Town.”

Corey Lane stated Mr. Gray is the Selectmen for Tamworth. Billing informed Lane that Mr. Gray cannot make that decision unilaterally. It must be a Board decision. Mr. Gray was acting unilaterally, so Lane dropped her request.

Billings called for a (5) minute recess at 9:10 PM

Billings reconvened the meeting at 9:18 PM

Intent to Excavate:

Town of Ossipee, 125 Duncan Lake Rd. Tax Map: 235 Lot: 4. Total acreage of Lot: 132. Total Permitted area is 5 acres. Excavation area is 5 acres. Reclaimed area is 10 acres. Remaining cubic yards of Earth to Excavate is 900,000 cu. yds. To be done by Green Oak Realty c/o Keith Babb.

Old Business:

- **Master Plan 2016 Revision** – Work Group Committee: Bob Gillette, Rick St. Jean, and Dennis Legendre:

Update: Billings announced he is disbanding the Committee due to lack of progress over the past year of having the task of updating the Master Plan. Billings is to consider other arrangements.

Informal Discussion:

Richard Mancini - 1915 Route 16. Tax Map: 038 Lot: 006. Presented to the Planning Board for advice and guidance on how to proceed with 1. Putting up a billboard on his property to rent out, and 2. Start a landscaping business on his property. The property is Roadside Commercial. The Board referred him to the Selectmen to obtain the billboard permit. He's to apply for a Site Plan Review with the Planning Board for the landscaping business. He was informed the application is on the Town's website, under Planning Board Forms and if he needed any assistance, he is to call the Board Secretary.

Public Input:

None

Any Other Business Which May Come Before This Meeting

None

Adjournment:

Motion made by Roy B., seconded by Rick St. Jean to adjourn the meeting. No further discussion. A unanimous vote was taken by show of hands.

The meeting adjourned at 9:29 p.m.

Next Meeting: **April 4, 2017 @ 7:00 pm**

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

Condict (Connie) Billings,
Chairman