

**OSSIPEE PLANNING BOARD  
MEETING MINUTES  
May 2, 2017**

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

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

**Pledge of Allegiance:**

**Attendance by Roll Call:** – Connie Billings-Chairman, Roy Barron-Vice Chair, Sandra “Sam” Martin-Selectmen’s Rep., Dennis Legendre, Bob Gillette, Tim Otterbach, Peter Zavas and Steve McConarty (ZEO).

**Late Arrival:** Rick St. Jean

**Public Hearing**

**Planning Board Fee Schedule:** Billings and Barron read the updates to the fee schedule as follows:

**Subdivision**

\$125.00 Subdivision Application Fee

\$75.00 per Lot

\$210.00 Public Notice Fee

Current First Class Postage Rate plus \$1.00, Certified Mail Fee, Return Receipt Fee (for each abutter, owner, applicant, agent)

\$28.00 Plan Recording Fee – Payable to Carroll County Registry of Deeds (for 24” x 36” plan)

\$26.00 Plan Recording Fee – Payable to Carroll County Registry of Deeds (for 22” x 34” plan)

\$25.00 L-Chip Stamp – Payable to Carroll County Registry of Deeds (per plan or plan set)

**Site Plan Review (Minor)**

\$200.00 Site Plan Review Application Fee

\$210.00 Public Notice Fee

Current First Class Postage Rate plus \$1.00, Certified Mail Fee, Return Receipt Fee (for each abutter, owner, applicant, agent)

**Site Plan Review (Major)**

\$250.00 Site Plan Review Application Fee

\$210.00 Public Notice Fee

Current First Class Postage Rate plus \$1.00, Certified Mail Fee, Return Receipt Fee (for each abutter, owner, applicant, agent)

**Boundary Line Adjustment**

\$125.00 Boundary Line Adjustment Application Fee

\$75.00 per Unit or Lot

\$210.00 Public Notice Fee

Current First Class Postage Rate plus \$1.00, Certified Mail Fee, Return Receipt Fee (for each abutter, owner, applicant, agent)

\$28.00 Plan Recording Fee – Payable to Carroll County Registry of Deeds (for 24” x 36” plan)

\$26.00 Plan Recording Fee – Payable to Carroll County Registry of Deeds (for 22” x 36” plan)

\$25.00 L-Chip Stamp – Payable to Carroll County Registry of Deeds

**Voluntary Lot Merger**

Current Recording Fee (payable to Carroll County Registry of Deeds)

### Earth Excavation Reclamation

\$100.00 Excavation Fee

\$210.00 Public Notice Fee

Current First Class Postage Rate plus \$1.00, Certified Mail Fee, Return Receipt Fee (for each abutter, owner, applicant, agent)

### Professional Fees at Costs Plus \$25.00

A **Motion** by Billings to accept the changes as read with an effective date of May 3, 2017. Barron seconded.

**Opened to discussion:** Gillette asked if there was such a thing as a Voluntary Lot Merger. Billings explained there is an Involuntary Lot Merger but the Planning Board has never charged for them.

Chairman called for a vote. No further discussion. A unanimous vote was taken. Billings called the Public Hearing closed at 7:04 and moved to open Planning Board Meeting.

### **Planning Board Meeting May 2, 2017**

Meeting opened at 7:04 PM.

**Meeting Minutes:** the Meeting Minutes from 4 /18/2017 were reviewed.

A **Motion** made by **Barron** to approve the minutes of the 4/18/2017 Planning Board meeting. Martin seconded. Called for discussion.

Late arrival of Rick St. Jean at 7:08 pm.

Gillette said he sent an email and asked the secretary if his corrections were incorporated. Nash stated she had not received an email, so no his corrections were not implemented. Billings asked Gillette to read his corrections now. Gillette noted page 4 “Several Board members resoundingly expressed a no decision. But Gillette kept voicing his opinions until the Chairman and Vice Chairman strongly told him the discussion is done.” Gillette objects to the secretary using adjectives or pronouns that form an opinions, judgements or characterizations of discussions.

A **Motion** by Gillette to amend the minutes to have the following from page 4 stricken from the minutes “resoundingly, Gillette kept voicing his opinions, strongly told him the discussion is done.” Gillette asked to have “Chairman had said Town council had already resolved the issue,” added to the minutes. Otterbach seconded. Gillette and Otterbach voted in favor. Legendre, Martin and Barron opposed the motion. **Motion defeated 3 – 2.** Billings and Zavas abstained.

Billings called for a vote on the minutes as recorded. Legendre, Martin and Barron voted in favor of the motion. Gillette and Otterbach voted in opposition. **Motion approved 3 – 2.** Billings and Zavas abstained.

Gillette requested tonight’s minutes reflect this discussion accurately without adjectives.

### Financial:

- Budget & Revenue Reports: n/a

### **Unsatisfied Conditions: (continued from previous PB Mtgs)**

| Board | Date       | Applicant                       | List of Conditions   |
|-------|------------|---------------------------------|--|
| PB    | 11/03/2015 | LBWD                            | Ltr stating manufacturing/light industry only. –<br><b>Letter to be sent by PB to BOS requesting ZEO to investigate.</b> |
| PB    | 09/20/2016 | WWSCR-Northgate<br>Ossipee, LLC | SPR granted pending remaining conditions: <b>Pending Court decision.</b> #1:<br>Water Supply Approval                    |
| PB    | 09/20/2016 | WWSCR-Northgate<br>Ossipee, LLC | SPR granted pending remaining conditions: <b>Pending Court decision.</b> #2:<br>Subdivision Approval                     |
| PB    | 09/20/2016 | WWSCR-Northgate<br>Ossipee, LLC | SPR granted pending remaining conditions: <b>Pending Court decision.</b> #3:<br>NHDES Septic Approval                    |

Billings wanted to remove LBWD from the list. Because previous attempts to contact the business owner have gone unanswered. But Zavaz asked what this was in reference too. After discussion, a **Motion** by Billings to send a Letter to the Board of Selectmen, requesting the ZEO investigate this business to determine if manufacturing/light industry packaging is taking place or exactly what type of business is located here. Legendre seconded. Daymond Steer, Reporter for the Conway Daily Sun asked for clarity on this property and business. With no further discussion. A unanimous vote was taken.

### **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. Given Conditional SPR Approval on 04/04/2017. Revised Plans received April 21, 2017. Billings noted final plans have been received.

A **Motion** by Billings to grant final Site Plan Review approval with all Conditions being met. Barron seconded. No discussion. A unanimous vote was taken.

A **Motion** made by Billings to approve the Site Plan Review conditions have been met and the plans approved and signed. Seconded by Barron. No discussion. A unanimous vote was taken.

- **Case # 17-3-SPR:** (Case Continued from 3/21/2017) 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....

Mark Lucy provided updates to the plans.

The list is as follows:

1. NHDOT has approved dates for the traffic study to be done.
2. Have a designated area for the Fuel Delivery Station and will not require any waivers for any wells on-site or off-site.
3. Awaiting NHDES Water Supply Permit and will subsequently submit septic designs.
4. Underground Storage Tank (UST) – Dennis Boisvert received approval from the manufacturer of the equipment for use of a dual wall flexible pipe, which will not have any joints, thus reducing risks of leaks. Boisvert is completing design drawings to submit to NHDES.
5. Relocating Fuel Delivery Station pad 15 – 20 ft. west, are able to get co-compliant separation from the surrounding wells. Meeting setback requirements for mentioned at prior meeting.
6. The Oil and Water Separator is rotated clockwise and fits in the corner of the fuel delivery station area.
7. The well located closest to Route 16 & 41 has been moved slightly to meet setback requirements.
8. Oil and Water Separator is going to be a 2,500 gallon tank.
9. During surveying, no monuments were found along Rte. 41 side of property but monument marker were found along Rte. 16 and east side of the property. Boundaries were determined from these marker and the recorded deed.
10. Tank size and test pit sample: two test sites were sampled

11. Discussion over above ground verses below tanks. Lucy explained the ZBA approved either but for esthetically the design is for below ground. Propane tanks by law must be underground, encased in concrete and anchored. Fuel, Oil and gasoline do not have to be anchored.

12. Concerns about further contamination and could the PB require to put tanks above ground. Barron explained cannot ask them to put tanks above ground if it's not in the laws. Also, with tanks in the ground there is superfund money available towards clean-up. For safety, reasons Barron would prefer tanks below ground. Geologist will be on site. NHDES will supervise the site and will arrive if contamination is found and excavation stop immediately.

#### Requests:

- Maintenance Schedule: detailed checklist of what, when, and how often the maintenance will be managed. Mark Lucy noted he will add these best practices to the enhancement notes with in the Ground Water Protection Plan.
- Canopy Height will be 15 ft. and the lighting was adjusted accordingly.
- Concrete cap over tanks to cast water in different directions towards the run-off areas.
- Spill Response Plan: Complete pump out of the Oil and Water Separator when there is a significant spill.
- Clean Harvest phone number posted in plain sight
- Catch basin will be deep sump in case of a major spill
- Sensors on the Oil and Water Separator to detect fumes, weight, sheen etc...

Legendre asked, based on prior experience with inattentive delivery drivers, if there is some type of alarm to notify a driver the tank is approaching high fuel level. Barron noted most tanks are filled to 80% to allow for expansion. Lucy is to look if there is such an alarm device.

Billings thanked Lucy for coming to answer questions and concerns of the Board.

A **Motion** by Billings to continue the application of Case #17-3-SPR until May 16, 2017 Planning Board meeting. Martin seconded. No discussion. A unanimous vote was taken.

Barron asked for a brief recess. Billings granted the request at 7:59 PM

Billings reconvened the meeting at 8:01 PM

#### **Intent to Excavate:**

1. Tax Map: 124 Lot: 25. Route 28. Total acreage of Lot: 12+. Total Permitted area is 12+ acres. Excavation Area (acres) as of April 1 is 5+. Reclaimed Area (acres) as of April 1 is 0. Remaining Cubic Yards of Earth to Excavate is 331,891 cu. yds. Excavation of estimated 20,000 cu. yds. of Sand. To be done by Fred Heckel. Taxes paid.
2. Tax Map: 250 Lot: 8. Route 16. Total acreage of Lot: 71. Total Permitted area is 117 acres. Excavation Area (acres) as of April 1 is 3.4. Reclaimed Area (acres) as of April 1 is 1. Remaining Cubic Yards of Earth to Excavate is (Unknown) cu. yds. Excavation of estimated 96,500 cu. yds. of Gravel, Sand, Loam, and Fill. Taxes paid. Billings and Martin felt these numbers were incorrect and would have the Assessing department review.

### **Old Business:**

Ralph Buchanan wants to expand his Storage Unit business on Route 16. Buchanan met with the secretary and given a Site Plan Review application to complete.

### **Projects 2017:**

Martin suggested revising the Zoning Ordinances before revising the Master Plan. Gillette addressed revising the Master Plan first because the Master Plan will direct the zoning changes. Billings stated the Master Plan is not business friendly because the zoning ordinances are not business friendly. Zavas stated revising one before the other is totally absurd. Zavas recommended doing them simultaneously but if that's not possible, then making changes to the zoning ordinances would be more prudent and incorporating them into the Master Plan to help guide us further.

A **Motion** by Billings to revise the Zoning Ordinances before revising the Master Plan. Martin seconded.

Billings called for discussion: Legendre stated in order for the Master Plan to work, people are need to see progress and a reason to use the Master Plan. With the help of the Zoning Enforcement Officer, people are seeing things get done. So the Board should be working very closely with the ZEO to revise the Zoning Ordinances.

Billings noted that process works both ways. The Planning Board should go to the ZEO for changes and the ZEO should bring zoning changes to the Planning Board. The Planning Board would then work on it, change it and add it to the zoning changes which are ultimately voted on at the Annual Town Meeting.

Gillette stated the PB needs to consult with the Economic Development Council to get input on what they think should happen to the zoning ordinances to make it more business friendly.

Billings noted he has tried to contact Ash Fischbein from EDC, and Josh Arnold for ideas presented during candidate's night.

Nash re-read the motion. Chairman called for a vote. Legendre, Martin, Barron and Zavas voted in the affirmative. Gillette, Otterbach and Billings abstained. **Motion passed 4 – 0.**

Steve McConarty is supply secretary with list of zoning ordinances for revision.

1. Master Plan Revision: discussion above.
2. Zoning Ordinance Revisions: discussion above.
3. Revise PB Rules of Procedures: Current copies are in pdf, outdated and should be revised.

### **ZBA Cases for May 9th:**

- **Case # 17-3-V**: Robert Perry – 4 Forest Lane. Tax Map: 65 Lot: 023 Sub: 33 – has applied for a Variance from Article VI Section: 6.4.1. A & 6.4.2.A of the Ossipee Zoning Ordinance to replace an existing shed and construct a new utility shed within the 40 ft. frontage setbacks.

### **Notices:**

- Ossipee Job Opportunities: Deadline to submit applications is May 3, 2017
- NH Town & City – May-June 2017 edition

### **Adjournment:**

**Motion** made by Barron to adjourn the meeting. Martin seconded. No further discussion. A unanimous vote was taken.

The meeting adjourned at 8:30 p.m.

**Next Meeting: May 16 2017 @ 7:00 pm**

Minutes approved by majority vote of the Board on –

\_\_\_\_\_  
Date

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Condict (Connie) Billings,  
Planning Board Chairman