

**OSSIPEE PLANNING BOARD  
MEETING MINUTES  
July 5, 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 7:03 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 and Steve McConarty (ZEO).

Absent: Peter Zavas and Rick St. Jean (Alternate)

**Meeting Minutes:** the Meeting Minutes from 6/20/2017 were reviewed.

A **Motion** made by Barron to approve the minutes of the 6/20/2017 Planning Board meeting. Martin seconded. No discussion. A unanimous vote was taken. Tim Otterbach abstained since he was not at the last meeting.

**Financial:**

- Budget Reports: 6/01/2017 – 6/30/2017 – Billings had questioned the line item of mileage because the Board has to vote to expend it. As well as salary line items. After discussion and acknowledging some of the expenses.

A **Motion** by Billings to have all mileage expenses approved by the Board except the Secretary’s mileage for performing and completing duties. Barron seconded. No discussion. A unanimous vote was taken.

- Sager & Smith, PLLC –for Morse (gravel pit) - \$6,874.

The Board previously inquired why this account is not accruing interest. Attorney Sager forwarded a reply stating, “Lawyers cannot collect interest on their trust accounts.” The Board acknowledged and accepted the response.

**Unsatisfied Conditions:**

Board	Date	Applicant	List of Conditions
PB	09/20/2016	WWSCR-Northgate Ossipee, LLC	SPR granted pending remaining conditions: <b>Pending Court decision.</b> #1: Water Supply Approval
PB	09/20/2016	WWSCR-Northgate Ossipee, LLC	SPR granted pending remaining conditions: <b>Pending Court decision.</b> #2: Subdivision Approval
PB	09/20/2016	WWSCR-Northgate Ossipee, LLC	SPR granted pending remaining conditions: <b>Pending Court decision.</b> #3: NHDES Septic Approval
PB	06/06/2017	Valley Point, LLC	SPR granted pending 13 conditions: <b>Pending</b>
PB	06/20/2017	Ossipee Self-Storage	SPR granted pending remaining conditions: <b>Pending</b> #1: NHDES approval of Waiver
PB	06/20/2017	Ossipee Self-Storage	SPR granted pending remaining conditions: <b>Pending</b> #2: AoT Approval
PB	06/20/2017	Ossipee Self-Storage	SPR granted pending remaining conditions: <b>Pending</b> #3: Ossipee Corner Fire Chief letter

Billings acknowledged there have been no changes to the unsatisfied conditions list.

### **New Business:**

Lakes Region Planning Commission – Jeff Hayes, Household Hazardous Waste Coordinator, was present to answer any questions from the Board relative to services LRPC provides to the Town of Ossipee for \$4,281.00 a year membership, which the Planning Board had been budgeting for each year.

At the June 20<sup>th</sup> Planning Board meeting, the Board voted not to renew their membership for what is perceived as lack of benefits to the Planning Board.

Hayes provided a copy of the LRPC Annual Report for FY 2016.

Hayes acknowledged the primary focus of LRPC is Regional benefits. They provide services to 30 towns and the Lakes Region. A lot of the services provided to Ossipee are in the realm of transportation and household hazardous waste with the Ossipee Public Works department.

Legendre asked about how many meeting are held per year. Hayes noted each town appoints two Commissioners. The Commissioners meet 6 -7 times per year. The Commissioners are the governing body, who determine the budget, the by-laws, etc... From the Commissioners, they elect an Executive Board, who meet monthly.

Legendre asked how many times has Ossipee's representative been present and what has he asked for on be-half of the Town. Hayes reported based on meeting attendance records, the Ossipee representative has not attended any meetings in over a year.

Martin asked if LRPC *consists* of all volunteers. Hayes replied, no. Martin inquired into how many are salary and what the salary range is. Hayes reluctantly stated his salary is \$85,000 yearly. The principal planner is approximately \$65,000 yearly. The Regional Planner is approximately \$45,000 yearly. The Bookkeeper and Administrative Assistant are hourly. There are approximately a dozen interns hired throughout the year at \$8.00 – \$14.00 hourly. Martin inquired if they own or rent their building. Hayes noted they have rented the same location for the past 30 years. Currently, rent is approximately \$800.00 a month. Martin asked to see their revenue and expenses reports.

Gillette asked what portion of LRPC revenue comes from Town dues. Hayes noted about 10 to 15%.

Otterbach asked who Ossipee's representative is. Billings replied, St. Jean was appointed. But according to Hayes, has not attended a meeting in over a year. The Selectmen recently appointed Gillette as the second representative for Ossipee.

Legendre asked if the intent of the town representative is *to* bring back topics of discussion from LRPC meetings. Hayes replied, yes and the minutes are on the website.

Martin questioned how many communities do not pay dues. Hayes replied, up until July 1<sup>st</sup>, LRPC had unanimous membership. After, July 1<sup>st</sup>, two towns, Alton and Ossipee are not participating.

Ed Comeau started his comments with stating, "We have to take the emotions out of the discussion." Mr. Hayes is employed by the LRPC which was created by the Legislature. The Commission has certain functions they are statutorily responsible for performing. The comprehensive Master Plan and Housing Needs Assessment, and a committee is formed for Regional Impact. Hayes explained when a Planning Board voluntarily determines a project has Regional Impact. If the LRPC is asked for comments, the LRPC will form a committee to review and advice.

Gillette commented as LRPC did when the Planning Board was considering Westward Shores Campground expansion.

Hayes started to speak of Westward Shores when Billings interrupted.

Billings emphatically stated, “This Board NEVER voted to give Regional Impact to Freedom and Effingham! What was said was I make a motion to consider Regional Impact. Mr. Gillette and the previous Chairman Ski Kwiatkowski took it upon themselves, that that was what was voted on.”

Billings noted he voted to consider the project for Regional Impact not approve or grant anything beyond consideration. Gillette commented he does not remember it that way. Billings informed him to review the minutes from that meeting because it’s all there.

Discussion on how the statute reads was addressed and noted there is room for improvements.

Ed Comeau stated he needed to make a correction to a statement he made at the Ossipee Board of Selectmen’s meeting when he stated, “That you do not lose a vote on the Commission, if you do not pay dues.” Comeau was speaking to the Stratford - Metropolitan Planning Organization, which is any population over 50,000. The Federal Government designates that a Metropolitan Planning Organization. As a member of that Board, which is an MPO, I only get one vote. Some Towns get two votes depending on the population but even if you do not pay dues, you still get one vote.

Discussion over MPO legislation verses the Commission’s By-Laws ensued over transportation improvement plan, budget allocation, ability to cast a vote and interpretation of the statutes verses the By-Laws was heard, as well as loss of potential services provided by LRPC.

Based on the services LRPC provide, a discussion over whether the membership dues should be expensed from the Planning Board budget verses the ***Selectmen’s Budget*** was heard. Martin is to address with the Board of Selectmen.

Discussion on multiple issues and expense allocation formula were discussed. Ossipee Planning Board had been paying \$4,281 for membership dues. Most of which is expensed to cover cost for Household Hazardous Waste day. Then the Town is charged another \$4,600 for the disposal of the hazardous waste by the disposal company. This is all organized through the Public Works department not the Planning Board. So, the question raised is, why is the membership dues expensed solely through the Planning Board? The other issue raised is, if the Public Works representative loses his vote on transportation improvement plans because the Planning Board voted not renew the membership. The Town of Ossipee may want to re-evaluate the membership allocation. Suggestion ***was*** made of making it a Town expense that way all departments could benefit from the services LRPC offers and still be able to cast a vote.

Discussion moved back to the maps provided by LRPC. Barron indicated based on a meeting he attended, the State is planning on going to one map. Hayes said there are many different layers to mapping and it’s a wait and see what happens.

Martin asked Hayes, “How do you know when a Commissioner comes to you and asks for something, that it’s being done with the grace of the Board they represent?” Hayes commented they do not check with governing Boards for verification but believes if the Boards appoint someone, they (the Boards) feel this person has authority to represent the Town and governing Board. The Board of Selectmen have the authority to appoint and unappoint an individual to the Commission.

Barron and Legendre both asked what days the Commissioners meet. Hayes the Executive Board meets monthly on the second Tuesday from 9 – 11 and the Town Commissioners meet 6 – 7 times per year, usually the last Monday of the month.

Billings ask Mr. Hayes to go down the Outreach List of services provided to the Town of Ossipee and only 3 items were related to the Planning Board.

1. Delivered completed Planning Board maps to Town Hall
2. Completed Planning Board request for two CDs of all maps and transparencies

3. Provided copies of the NH Planning and Land Use Regulations book to the Town at considerable savings.

During the course of discussion, Billings asked, “Where *these maps and CDs are* because the Planning Board does not have them.” Gillette spoke up saying “he had picked them up. Not sure where they were to go he gave, one set to the Zoning Enforcement Officer and took the other set home because he didn’t think anyone else would be interested in reading GIS maps but he was.”

Billings instructed Gillette to return the maps and CD’s to the Planning Board. Gillette said, “He would when he’s done with them.”

Billings noted he feels most of the services LRPC provides is for transportation and per NHDOT; the Planning Board has no authority over roads. Hayes seemed to think *that* is where LRPC might be able to assist. Billings asked as an Ossipee resident, for LRPC to get NHDOT to do something with the intersection of Route 28 and 171, because there have been way too many fatalities. Hayes noted the best course of action to have Ossipee’s Publics Works Director, who is the Vice-Chair for the Regional Transportation Committee. He has a strong voice on the Regional Transportation Committee.

Discussion on reduced cost of Land Use books, range and calculation of membership dues, tax assessment and the Brownfield Grant were heard.

Nash asked the Chairman for a brief recess.

Billing called for a five minute recess at 8:18 PM

Billings reconvened the meeting at 8:22 PM.

Hayes continued with areas of assistance in different towns.

Legendre acknowledge the amount of work and time to write up a Grant application.

Billings thanked Mr. Hayes for coming to speak with the Planning Board. But he is not willing to change the vote at this time. He needs more time to review material supplied by Mr. Hayes.

### **Old Business:**

#### **Projects 2017:**

1. Dollar General plans for signatures: Billings informed the Board that the final plans for Dollar General were never signed by former Chairman, Ski Kwiatkowski before he became ill. Billings had already signed them as Vice Chairman. Billings suggested the Board make a motion to one line, initial his signature, and allow the current Chairman and Vice Chairman to sign the plans.  
A **Motion** by Barron to one line, initial Billings’ signature, and allow the current Chairman and Vice Chairman to sign the plans. Gillette seconded. No Discussion. A unanimous vote was taken.
2. Zoning Ordinance Revisions: To review 4.9 & 24.1.1 for changes
  - Z.O. 4.9 changes: McConarty addressed Zoning Ordinance 4.9 and suggested changes. After Board discussion Barron and McConarty are to work on the wording changes by the July 18th Planning Board meeting.
  - Z.O. 24.1.1 changes: McConarty addressed Zoning Ordinance 24.1.1 and suggested changes. After Board discussion Barron and McConarty are to develop wording changes by the July 18th Planning Board meeting.
3. Revise PB Rules of Procedures: were reviewed and updates noted by the secretary to provide a revised draft for the next meeting.

- a. Billings suggested wording allowing alternates to sit at the Board table during the meetings. Billings noted per RSA 673:6 V “An alternate member of a local land use board may participate in meetings of the board as a non-voting member pursuant to rules adopted under RSA 676:1.”

Barron commented we have never had an Alternate not sit with the Board.

A **Motion** by Billings to add 673:6 V to the rules and procedures. Barron seconded. Discussion on suggested wording ensued. The secretary read a sample of suggested wording from the NH EOP guide. The Board agreed with the wording. Barron and Billings withdrew their previous motion.

A **New Motion** by Billings to use the wording from the NH EOP addressing alternates for the revised rules and procedures. Barron seconded. No discussion. A unanimous vote was taken.

4. Site Plan Regulations: FEMA notified the Town of specific requirements to add to Section 8.03.3. Billings noted sections A. B. and C. need to be added to the Site Plan Review Regulations. But it was also noted the section number FEMA stated is incorrect. Billings to contact for clarification.
5. Subdivision Regulations: FEMA notified the Town of specific requirements to add to Section 10.04. Billings noted sections A. need to be added to the Subdivision Regulations.

A **Motion** by Billings to add section (A) of the FEMA requirements to section 10.04, creating item (D) of the Subdivision Regulations. Martin seconded. No discussion. A unanimous vote was taken.

#### **ZBA Cases: (Billings read to Board)**

- **Case # 17-4-V**: Alexander Bakman, 12 Old Broad Bay Rd. 1. Tax Map: 35 Lot: 15 – has applied for a Variance from Article VI Section: 6.4.2 (A)(side setback requirements) of the Ossipee Zoning Ordinance to keep a 20’ x 20’ metal carport (after the fact) that is less than the required 25 ft. sideline setback. (Case continued until July 11, 2017)

#### **Notices:**

- **Gregory Howard**: email received with questions concerning Site Plan Reviews. Billings read a response letter to the Board addressing Mr. Howard’s questions.

A **Motion** by Billings to send a formal letter to Mr. Howard replying to his questions. Gillette seconded. No discussion. A unanimous vote was taken.

- **Town Safety Committee Meeting**: Thursday, July 6, 2017 at 1:00 PM at the Town Hall Upstairs Conference Room.

#### **Any Other Business Which May Come Before This Board:**

Martin addressed the Board members concerning donating to organizations that have filed law suits against the Town of Ossipee. Martin commented if the Board was to hear a case in which a member had donated too. That member would have enough intelligence to recuse themselves to eliminate any perception of improprieties.

#### **Adjournment:**

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

The meeting adjourned at 9:21 p.m.

**Next Meeting: Wednesday, July 18, 2017 @ 7:00 pm**

Minutes approved by majority vote of the Board on –

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Date

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Condict (Connie) Billings,  
Planning Board Chairman