

OSSIPEE PLANNING BOARD
MEETING MINUTES
September 19, 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, Rick Morgan-Selectmen's Rep., Dennis Legendre, Tim Otterbach, Rick St. Jean (Alternate) and Steve McConarty (ZEO).

Absent: Bob Gillette and Sandra "Sam" Martin. **Late Arrival:** Peter Zavas

Chairman Billings raise alternate Rick St. Jean to voting status in the absence of Bob Gillette.

Meeting Minutes: the Meeting Minutes from 9/05/2017 were reviewed.

A **Motion** by Barron to approve the minutes of the 9/05/2017 Planning Board meeting. Legendre seconded. Discussion: Barron noted a correction on page 2, under motion. Barron stated he made the motion and Zavas seconded it.

Billings asked Barron to restate his motion.

A **Motion** by Barron to approve the minutes of the 9/05/2017 Planning Board meeting as amended. Legendre seconded. No further discussion. A unanimous vote was taken by show of hands.

Financial:

- Budget Report – August 2017 – Billing asked Selectman, Morgan if the Planning Board could make a motion to transfer the \$4,500.00 that was budgeted for Lakes Region Planning Commission and move it to cover the secretary wages for the rest of the year. Morgan replied, No because there is no need to transfer because it will not affect the bottom line. The Selectmen know that the secretary's yearly wages have been indeterminate until an actual count of hours is determined for this position.

Zavas arrived at 7:12 PM.

A **Motion** by Billings to approve the increase to the secretary's wages to \$10,000, FICA and Medicare to be determined, telephone, Advertising, Office Supplies, Postage , Mileage, Education, Professional Fees, to remain the same, Lakes Region Planning Commission and Computer & Software are to be remove from the Planning Boards 2018 budget. Barron seconded. No further discussion. A unanimous vote was taken by a show of hands. **Motion passed.**

Billings to meet with Finance Administrator to determine FICA and Medicare rates.

- Sager & Smith, PLLC – Invoice in the amount of \$437.50 for General Matters (attendance at 08/01/217 PB meeting.)

A **Motion** by Billings to approve payment to Sager and Smith. PLLC in the amount of \$437.50 for General Matters. Barron seconded. No further discussion. A unanimous vote was taken by a show of hands. **Motion Passed.**

- Sager & Smith, PLLC – Statement in the amount of \$6,874.25 for Morse Pit.

- 2018 Budget Review Schedule – Billings noted already done earlier.

Unsatisfied Conditions: (continued from previous PB Mtgs):

- See separate attached sheet for details. Billings asked Morgan if the Selectmen have discussed with the owners of Northgate Ossipee about the \$4,500.00 still owed to the Town of Ossipee for reimbursement of the Jones & Beach independent review. Morgan replied, no. That subject has been addressed.

A **Motion** by Billings to resubmit the invoice to Northgate Ossipee, LLC and SFC Engineering in the amount of \$4,500.00 for reimbursement of the Jones & Beach independent review. Barron seconded. Zavas commented, he was not here during this time and questioned if this fee was for an independent review. Billings replied yes and explained the situation. With no further discussion. A unanimous vote was taken by show of hands.

Informal Discussion:

- Francis Lord was present for discussion. He is here on behalf of Dr. Lindsay Lord with Kindness Animal Hospital, who wants to put a 196 square foot addition on the animal hospital for an examine room to increase professional staff. The Board reviewed preliminary Site Plan Review paperwork and Mr. Lord will meet the secretary the next day.
- Valley Point, LLC – NHDES requirements discussion: Billings referred to a series of email communications with Chad Hayes of NHDES, who had questions about the conditions imposed by the Planning Board. Hayes indicated there are some design questions that have gone back to Dennis Boisvert, the designer for the project. Once the changes are made, Valley Point will need to come back to the Planning Board for a Site Plan Review Amendment plus the remaining conditions previously imposed by the Planning Board.
- Jeffrey Bird – Green Mountain Treatment Ctr. is looking to have a treatment center/transitional housing at 56 Main Street. There will be no changes and will be considered an existing conditions plan for the property. Billings informed Mr. Bird, per Zoning Ordinance

“9.6 DISCONTINUANCE; EFFECT - If the Industrial use is discontinued for two (2) years, said use shall be deemed abandoned, (Amended March 14, 2017) the land will revert back to the original Zoning District.”

Since there is no Site Plan Review for the property and it's been greater than two years vacant. A Site Plan Review will be needed for the property. Discussion ensued over parking requirements and the type of housing by definition this will be considered. According to current Zoning Ordinance 34.3 Institutional Uses, 34.3 (c) Convalescent Home by definition is the criteria that seems to fit best. Joe Deighan disagreed with this classification.

- Verizon Wireless Retail Store – David Poulin is looking to move Verizon Wireless Store and H & R Block store into the old O'Keefe's building. Mr. Poulin submitted picture samples of the design concept. The larger section of O'Keefe's will be the Verizon store, the middle section will become H&R Block and the section that is sinking will be removed. The ground will be reworked, leveled and resurfaced with tar. The Board instructed Mr. Poulin he will need to apply for a full Site Plan Review and to follow up with McConarty for any assistance.

New Business: None

Old Business:

- **Morse Pit discussion** –

A **Motion** by Billings to send a letter by the Planning Board; instructing Attorney, Rick Sager to return to court and have the Morse Brother's, David Morse and Andrew Morse be held in Contempt of Court and for the Planning Board to Reclaim the Morse Pit as per Reclamation Plan, which was signed by the Planning Board and dated February 7, 2007, per the original Court Order. Barron seconded.

Discussion: Zavas was unaware of the Court Order. Morgan read the communication from Attorney Sager. Billings noted a Reclamation Plan was signed February 7, 2007 but the plan was NEVER fulfilled by the Morse Brothers.

Morgan was concerned about the length of time that has passed and whether the judge would even here the case. Some Board members raised questions of why the Board was never informed of this issue. Morgan commented, you personally may not have known but someone in the Planning Board office was notified but no action was ever taken until now.

No further discussion. Billings called for a vote and a unanimous vote was taken by show of hands.

- **Projects 2017:**

1. Zoning Ordinance Revisions: Pending wording changes for:

1. 4.9 – pending wording from Steve McConarty for next meeting
2. 24.1.1 - pending wording from Steve McConarty for next meeting
3. SPR Amendments – determine square footage limits for a permit vs. a SPR – Amendment.

2. Site Plan Regulations:

Zavas asked Billings if he had contacted Jennifer from the Office of State Planning for confirm if there were any other FEMA requirements that would need to be added. Per Billings, Jennifer replied no, just these two.

A **Motion** by Billings to add the FEMA requirement to the Site Plan Regulations, per FEMA's request. Barron seconded.

Discussion: Morgan questioned what specifically is being added. Morgan also asked if the purpose of the proposed change to include something about the FEMA rules within the Site Plan Regulations and subdivision Regulations and questioned why get into specific language. Instead, why not just add a blanket statement of "if it's in the Flood Plain, the applicant must comply with all FEMA Rules." Discussion ensued.

The secretary supplied the Board with another copy of the FEMA requirements.

Barron withdrew his second to Billings' motion and Billings withdrew his motion.

A **Motion** by Billings for Site Plan Regulation 8.03.2 Flood Hazard Areas shall contain the following FEMA rules. Barron seconded.

"8.03.2. Flood Hazard Areas

FEMA Requirements: For subdivisions and site plans the involve land designated as “Special Flood Hazard Areas” (SFHA) by the National Flood Insurance Program (NFIP):

- A. The Planning Board shall review the proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State Law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.*
- B. The Planning Board shall require that all proposals for development greater than 50 lots or 5 acres, whichever is the lesser, include Base Flood Elevation (BFE) data within such proposals (i.e. floodplain boundary and 100-year flood elevation).*
- C. The Planning Board shall require the applicant to submit sufficient evidence (construction drawings, grading and land treatment plans so as to allow a determination that:*
 - (i.) All such proposals are consistent with the need to minimize flood damage;*
 - (ii.) All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage; and,*
 - (iii.) Adequate drainage is provided so as to reduce exposure to flood hazards.”*

Barron seconded. No further discussion. A unanimous vote was taken by show of hands.

3. Subdivision Regulations (10.04 (D)):

A **Motion** by Billings to add the following FEMA requirement to the Subdivision Regulations;

“FEMA Requirements: For subdivisions and site plans the involve land designated as “Special Flood Hazard Areas” (SFHA) by the National Flood Insurance Program (NFIP):

- 1. The Planning Board shall review the proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State Law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.*

St. Jean seconded. No discussion. A unanimous vote was taken by show of hands.

Notices and Publication:

- NH Town and City – September /October 2017

ZBA Cases:

- **Case # 17-6-V:** Dennis Belliveau, 18 Stoneview Rd. Tax Map: 272 Lot: 040 was **DENIED** his request for a Variance from Article 34.1 (c) Residential Uses for a Multi-family dwelling and Article 4.1 General Provisions – Sanitary Protection of the Ossipee Zoning Ordinance to increase the number of dwelling units to more than 2 family home (multi-family) by adding a 3rd apartment.
- **Case # 17-7-V:** CC properties, LLC c/o Harold Rogers, 403 Route 25 East. Tax Map: 068 Lot: 003, property owner is Wood Booger Trust C/o Lois-Anne & Kenneth Button (Trustees) was **GRANTED** a variance to build a storage building for personal use with no septic.
- **Case # 17-8-V:** Elia & Maria Vanechanos, 40 Long Sands Road. Tax Map: 67 Lot: 22 was **GRANTED** a variance from Article 6.4.2 Side & Rear Setbacks from the Ossipee Zoning Ordinance to raze the existing home & garage and rebuild in a different location along with a condition that all corners are pinned.

Any Other Business Which May Come Before This Meeting

1. Joe Deighan insists the Planning Board seriously review the definitions for the type of housing Green Mountain Treatment Center is looking to have next to a school district. Deighan is very concern about the potential type of people that could be coming here.
2. Morgan suggested the Board add a brief “Public Input” section to the beginning of their agenda. Discussion ensued.

Adjournment:

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

The meeting adjourned at 9:27 p.m.

Next Meeting: **October 3, 2017 @ 7:00 pm**

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

Condict (Connie) Billings,
Planning Board Chairman

Or

Roy Barron,
Planning Board Vice – Chairman
(In the absence of the Chairman)

Unsatisfied Conditions

Board	Date	Applicant	List of Conditions
PB	09/20/2016	WWSCR-Northgate Ossipee, LLC	SPR granted pending remaining conditions: #1: Water Supply Approval Letter received 09/11/2017 - Application submitted pending approval this month.
PB	09/20/2016	WWSCR-Northgate Ossipee, LLC	SPR granted pending remaining conditions: #2: Subdivision Approval Letter received 09/11/2017 - Application submitted pending approval of water supply this month.
PB	09/20/2016	WWSCR-Northgate Ossipee, LLC	SPR granted pending remaining conditions: #3: NHDES Septic Approval Letter received 09/11/2017 – Septic design to be submitted to Ossipee ZEO before the application is submitted to NHDES.
PB	09/20/2016	WWSCR-Northgate Ossipee, LLC	SPR granted pending remaining conditions: Pending Court decision. #4: Reimbursement to Town of Ossipee for J&B - \$4,500.00
PB	06/06/2017	Valley Point, LLC	SPR granted pending remaining conditions: #1: Written proof of who is responsible for the clean-up of offsite drinking wells both private and public with proof on the means to do so Pending
PB	06/06/2017	Valley Point, LLC	SPR granted pending remaining conditions: #2: All excavation shall be under the supervision of NHDES with continued testing being done to prove that no new contamination is present. Pending
PB	06/06/2017	Valley Point, LLC	SPR granted pending remaining conditions: #3: All contaminated soils shall be removed from the site and safely disposed of per NHDES regulations. Pending
PB	06/06/2017	Valley Point, LLC	SPR granted pending remaining conditions: #4: No new construction of any buildings shall begin until the entire site is deemed safe and clean of all contamination. Pending
PB	06/06/2017	Valley Point, LLC	SPR granted pending remaining conditions: #5: Plans that show the prevention of further groundwater contamination. Pending
PB	06/06/2017	Valley Point, LLC	SPR granted pending remaining conditions: #6: Plans for groundwater contamination monitoring shall continue until NHDES reports the site is safe and all drinking wells are clean for a time line as set by NHDES per the Petroleum Fund Regulations or 5 (five) years whichever is greater. Pending
PB	06/06/2017	Valley Point, LLC	SPR granted pending remaining conditions: #7: Proof of State approval of the water well and septic system. Pending
PB	06/06/2017	Valley Point, LLC	SPR granted pending remaining conditions: #8: All permit/ approvals of Federal, State and Local shall be in place before any construction begins. Pending
PB	06/06/2017	Valley Point, LLC	SPR granted pending remaining conditions: #9: No salt to be used for snow and ice removal. Pending
PB	06/06/2017	Valley Point, LLC	SPR granted pending remaining conditions: #10: All construction shall be materially of the latest design. Pending
PB	06/06/2017	Valley Point, LLC	SPR granted pending remaining conditions: #11: All Federal, State and Local Regulations shall be followed. Pending
PB	06/06/2017	Valley Point, LLC	SPR granted pending remaining conditions: #12: Site shall be developed as per site plans approved by this Planning Board. Pending
PB	06/06/2017	Valley Point, LLC	SPR granted pending remaining conditions: #13: Any spills, requiring notification of NHDES, per NHDES rules, shall result in the evacuation of the Oil and Water Separator system and shall be cleaned semi-annually. Pending