

TOWN OF OSSIPEE
ZONING BOARD OF ADJUSTMENT
Meeting Minutes
October 11, 2022

Minutes have been recorded by and summarized by Laura Nash, Boards & Commissions Secretary and are deleted once the written minutes are board approved; any amendments to the minutes are noted in ***bold & italic*** type.

Call to Order: Roy Barron called the meeting to order at 7:00 p.m. and requested all cellphones to be silenced.

Pledge of Allegiance: was recited by all in attendance.

Roll Call: Roy Barron, Daniel Fischbein, Dallas Emery and Daniel Karl,

Absent: Jim Rines and Jonathan Smith, (Zoning Officer)

Meeting Minutes:

- Review to Approve Meeting Minutes of September 13, 2022

Fischbein noted on page 2, para 1 reads “issue” and should be “issued” and bottom of page “the rest” duplication removed, on page 3 “Fischbein asked if he has ***the*** right...”, “Fischbein ***inquired*** and...” on page 4, “business ***exists*** outside the...”

A **Motion** by Emery to approve the minutes of September 13, 2022, as amended. Fischbein seconded. No discussion. Daniel Karl abstained. All others voted in favor. **Motion passed.**

Members: Barron welcomed Daniel Karl to the ZBA board.

- Review to Approve Meeting Minutes of September 27, 2022

A **Motion** by Barron to approve the minutes of September 27, 2022. Fischbein seconded. No discussion. Daniel Karl abstained. All others voted in favor. **Motion passed.**

Old Business: N/A

New Business:

- **Case #22-06-V:** Clifford R. Baird III Trustee & Brenda K. Baird Trustee of 69 Broad Bay Road. Tax Map 031, Lot 016 is requesting a Variance of Article VIII, 8.1 of the Zoning Ordinance to add a 10’ x 12’ shed within 5 feet of the side setback. Per Article 6.4.2(a)-the side setback is 25’. **(Case continued until October 11, 2022 from June 14, 2022)**

Clifford R. Baird presented requesting to withdraw his case from consideration without prejudice.

A **Motion** by Barron accepting the withdrawal without prejudice of **Case #22-06-V:** Clifford R. Baird III Trustee & Brenda K. Baird Trustee of 69 Broad Bay Road. Tax Map 031, Lot 016 request for a Variance. Fischbein seconded. No discussion A unanimous vote was taken. **Motion passed.**

- **Case #22-08-V:** Nicholas Ranaldi of 110 Thurley Rd. Tax Map: 223 Lot: 036 Sub: 002 is requesting a Variance from Article 6.4.1 (a) front setback of the Zoning Ordinance to maintain an existing shed for storage of tools, yard equipment, pellets for heating and other miscellaneous item.

- Letter from Jonathan Smith, ZEO dated September 29, 2022

The Board reviewed the application for completeness. Fischbein noted on page 2 that the Current Use was checked off. The Board informed Mr. Ranaldi that his property cannot be in current use because the property needs to be a minimum of 10 acres, which his property is not, and no one can be living on it. It means that the property owner is getting a tax break.

A **Motion** by Fischbein to accept the application as complete for **Case #22-08-V: Nicholas Ranaldi of 110 Thurley Rd. Tax Map: 223 Lot: 036 Sub: 002 request for a Variance from Article 6.4.1 (a).** Karl seconded. No discussion. A unanimous vote was taken. **Motion passed.**

Cindy Camfferman was going to speak on behalf of Nicholas Ranaldi. The secretary asked if she has a letter of authorization from him. Ms. Camfferman did not but the Board allowed a verbal consent from Nicholas Ranaldi for Cindy Camfferman to also speak on behalf of Nicholas Ranaldi.

Cindy Camfferman explained they have a shed for storage of tools, yard equipment and heating pellets. Based on lot and the location of the well and the two septic systems, there is a hill to the back of the house, a new house being constructed, this seemed to be the best location for the shed. The driveway goes around which makes it easier to get items in and out of the shed. There is a tree between the shed and the road frontage which is similar to other properties in the neighborhood.

Barron inquired as to how long the neighbors shed has been there. Ranaldi did not know but Fischbein stated it's been there for many, many years.

Cindy Camfferman continued stating that the shed is up on blocks in the event they wanted to move it they could but now with the two septic systems, the new house this seems to be the best location.

Barron asked if there is a building permit for the shed. Ranaldi said no, but secretary clarified they cannot get a permit until they get a variance. But Barron and Fischbein asked if they had a permit when they built the shed and when was it built. Ranaldi said it built this year. But Barron questioned that he just read that it's been two years.

Ranaldi explained they were in the process of building a house, but they needed to determine where their septic system would be located, when they found out that there is already another septic system on the property. Future plans include at the end of their property they plan on putting in another road and building to work out of and for storage.

Fischbein explained that a variance can only be granted when there's no choice but to put a building in a specific location. Fischbein commented with 4.2 acres Mr. Ranaldi has a lot of places where to put a building. The fact that there is ease of access to the shed at its current location or that there is hill to the back does not factor into the requirements for a variance.

Barron questioned if they are supposed to be denied a building permit before they can apply for a variance making it now two problems with this case. Ranaldi tried to explain that the application for the new home and shed were submitted at the same time, he had provided plans and somewhere along the way everything was lost. Ranaldi said when he dropped off the packet, Mike the building inspector gave him the go ahead to start the project. Originally he informed the Town almost a year ahead of time before starting the process. Discussion ensued over what plans the Board has currently but that there not to scale as required, it does not accurately depict the frontage from the center road, there are no front markers depicting boundary lines or road markers. Barron questioned how the Zoning Officer determined a violation if there are no front pins marking the boundaries.

Fischbein stated the only way to determine if there is encroachment is to have the property surveyed.

Barron interrupted the open discussion to note several issues with the application, as follows:

1. Plan is not to scale
2. No proof of records given to the Town
3. Suggested having the front surveyed and having marker placed showing boundaries and the road right of way
4. No Building Permit was issued.

Emery read the requires of a scaled drawing and questioned if that makes the application incomplete after the voted it was complete.

Ranaldi explained that when his permit application was being processed the question was asked where the desired location of the shed end up. Ranaldi would like to turn it 180 degrees and place it on flat ground ideally between the two septic system then he would meet the front setbacks.

Barron conveyed the Board is trying to help the best they can by staying within the law. Barron suggested finding a location within the setbacks would be best, but if they cannot, the other option is to survey the front have markers placed showing boundaries and determine the road right of way. Barron advised Ranaldi to discuss his option with Jonathan Smith, ZEO to come to an agreement and he can request a continuance to a date certain and if they don't think they'll be ready for that date, they are to call the secretary to request another continuance. Or if they reach an agreement with Jonathan Smith, ZEO and the shed will be in compliance, Mr. Ranaldi can request to withdraw his application without prejudice.

Nicholas Ranaldi requested a continuance until the November 8, 2022 ZBA meeting.

A **Motion** by Barron to approve a Continuance until November 8, 2022, ZBA meeting for **Case #22-08-V:** Nicholas Ranaldi of 110 Thurley Rd. Tax Map: 223 Lot: 036 Sub: 002 in request for a Variance from Article 6.4.1 (a) front setback to maintain an existing shed. Fischbein seconded. No discussion. A unanimous vote was taken. **Motion passed.**

John Connors requested the outcome of Case #22-06-V. Mr. Connors was informed he requested to withdraw his application without prejudice.

Financial:

- 2023 ZBA Proposed Budget – The budget was reviewed by the Board. The secretary drew attention to the Postage and Telephone line items being zeroed out. Because according to Matt Sawyer, Jr. these two-line items are being removed from all departments and will be re-appropriated to the Selectmen's Budget.

Fischbein asked how that will affect how the ZBA charges postage. Nash reported that process does not change the only thing that changes is when applying postage through the machine, the secretary does not have to select which department to charge.

A **Motion** by Barron to accept the level funded 2023 ZBA Proposed Budget as presented. Emery seconded. No discussion. A unanimous vote was taken. **Motion passed.**

- 2023 NH Planning and Land Use Regulation books – New laws were discussed. Emery raised attention to the new law of 65 days to render a decision or it passes. Nash explained if there is an application that is being held out and goes beyond the standard 30 days, the state has now extended it to 65 days. If the applicant does not request a continuance to a date certain, the Board has the right to deny the application and

the applicant would need to re-apply. Discussion ensued about Ossipee Board always ask the applicant if they wish to continue to a date certain. But apparently, other Towns were not, so this new law has been implemented.

Proposed Zoning Ordinance: changes submitted by Zoning Ordinance Committee

<..\Planning Board\Z.O. Changes\2022 - 2023\Zoning Ordinance Committee-Suggested-Edits-2023-DRAFT.pdf>

Discussion ensued over some of the changes, but the secretary will make a copy for the ZBA members for review.

Notices:

Email communication from Zoning Officer concerning 40 Moultonville Rd. was acknowledged by the Board and discussion ensued over the property on Route 16B that has 47+ animals on a quarter acre lot and someone living the camper.

Any Other Business Which May Come Before This Meeting: None heard.

Next Meeting: November 8, 2022 @ 7:00 pm

Adjournment:

A Motion by Emery to adjourn the meeting. Fischbein seconded. No discussion. A unanimous vote was taken. **Motion passed.** The meeting adjourned at 7:59 p.m.

Minutes were approved by majority vote of the Board:

_____	_____	Or	_____	_____
Roy Barron, Chairman	Date		Daniel Fischbein, Vice Chair	Date
			<i>(In the absence of the Chairman)</i>	