

TOWN OF OSS�PEE
ZONING BOARD MEETING MINUTES
May 12, 2015

Minutes were recorded by Xann Horn, Boards and Commission Secretary.

Call to Order

The meeting was called to order at 7:00 p.m.

Roll Call

Members present by roll call: Jim Rines, Ski Kwiatkowski, Ralph Wurster, Stanley Brothers, Bill Grover (brought up to voting status in David Babson's absence). David Babson arrived and Bill Grover was put back on alternate status.

Meeting Minutes

Motion: by Ski, seconded by Ralph, to approve meeting minutes of March 10, 2015. Ski, Ralph, Stanley were in favor; Jim and Bill abstained, motion passed.

Motion: by Jim, seconded by Ski, to review and vote on approving meeting minutes of April 14, 2015. All in favor, motion passed.

Jim Rines stepped down as a Board Member as he was the agent for the two cases to come before the Board. Therefore, Bill Grover was again moved from alternate status to voting status.

New Business

Case # 15-4-V – Variance Request (2), Four Long Pond Realty Trust, property located at 2400 Route 16, Tax Map 7, Lot 11.

Jim Rines of White Mountain Survey & Engineering, Inc. was present as Agent and presented the case. Minor discussion ensued. Mark McConkey and Vince Vicarro were present as members of The Whittier Coalition. It was their understanding that the tanks were going to be above ground. This property is within the Water Resource Protection District. Ski asked if the cemetery would be accessible by right-of-way and Jim explained that it would be. Ski stated he believes that Ossipee does need to develop its commercial areas and he thinks this is a good example of putting the Route 16 corridor back into a commercial type area. The ordinance gives a path to this type of development by Special Exceptions and/or Variances. The time frame was discussed as uncertain due to the permits necessary, but the project will not lag. Vince stated to his knowledge, there is no difference in safety from above ground versus below ground. The exit/entrance onto Route 41 is not being used at the moment. It is currently fenced off. If this is opened it will cause traffic issues on Route 41. He would like to see that the entrance/exit on 41 be moved as far back on 41 as possible. Jim stated the entrance has been blocked off but DOT has not withdrawn the curb cuts, but they may require changes once they receive the application. Mark stated it was his understanding that these were going to be above ground storage tanks and he is not opposed to it. Above ground can be built just as well as below ground. He is opposed to the intersection onto 41 as this would just be chaos for the neighborhood. Historically this property has been used commercially. He is opposed to bringing gasoline back onto the site if underground tanks are installed. Bill stated when considering underground

tanks versus above ground tanks, we are looking to protect the water resource. Ralph stated time and money has been spent to clean up and monitor this site from the past and he will probably vote against this proposal as presented. Further discussion ensued. It was recommended to continue case until future Zoning Board meeting when agent will produce above-ground tank concepts and how/if they can be configured on the lot.

Motion: by David, seconded by Ski, to continue case Number 15-4-V until the June 9, 2015 Zoning Board meeting. All in favor, motion passed.

Case # 15-3-V – Variance Request, Roisin Prescott, LLC, property located at 2190 Route 16, Tax Map 14, Lot 11.

Jim Rines from White Mountain Survey & Engineering, Inc. was present as agent and presented the case for a Variance from Article VI, Section 6.4.1.a; 6.4.2.a and b; Article VII, Section 8.3; and Article X, Section 10.2. Discussion ensued.

Motion: by Ski, seconded by Bill, to approve all variances requested, via vote on supporting items individually.

1. The variance will not be contrary to the public interest: all in favor.
2. The spirit of the ordinance is observed: all in favor.
3. Substantial justice is done: all in favor.
4. The values of surrounding properties will not be diminished: all in favor.
5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship because of the “Special Conditions” of this property that distinguish it from other properties in the area: Ski, Ralph, Stanley, and Bill were in favor, David voted not in favor with protest.

Motion passed. Variance has been granted.

Jim Rines re-joined the Board is back, Bill Grover resumed his status as an alternate.

A request to use the Ossipee Freight House has been made through the Rec Dept. for a Legos Club. This would be for the week of July 20, 2015 and the week of August 10, 2015 from 9:00 a.m. to Noon. If anyone has any questions or concerns, please contact Peter at 539-1307 or at ossrec@gmail.com.

Old Business

Review Draft Letter from Zoning Board to Planning Board (Review of Regulations Pertaining to Deck Structures).

After review of the recording of the meeting, it was David’s opinion that while this application was making a non-conforming structure more non-conforming, there was no reason why the eight foot deck should NOT be allowed; however, based on the state laws and town regulations, on the motion to approve the request, he had to vote no with protest. When state laws and local regulations conflict, the more stringent shall control. This prompted a request to have the Planning Board review their regulations with regard to decks and non-conforming structures.

Motion: by Stanley, seconded by Ski, to send the letter to the Planning Board. All in favor, motion passed. Ski noted his vote for sending letter does not indicate support.

Any Other Business Which May Come Before This Meeting

Jim Rines noted that when applicants submit copies to the Board, they are submitted in advance to allow Board Members time to review the application so they could pay more attention to the presentation at the meeting. He would like to see that Board members be provided applications in advance by email, USPS, or pick-up. Discussion ensued. A box with a combination lock will be looked into.

Adjournment

Motion: by David, seconded by Ski, to adjourn. All in favor, motion passed.

The meeting adjourned at 9:20 p.m.

Minutes approved by majority vote of the Board on _____

Stanley Brothers, Chairman