

## OSSIPEE ZONING BOARD

### Meeting Minutes

May 10, 2016

Minutes were recorded by Laura Nash, Board Secretary.

Revisions of 05/26/2016 to these minutes are noted by ***bold/italic*** type.

**Call to Order:** Chairman Stanley Brothers called the meeting to order at 7:00 p.m.

**Members Present by Roll Call:** Stanley Brothers, Ralph Wurster, Ski Kwiatkowski, and Jim Rines.

**Absent:** David Babson, Bill Grover (alternate) and Bob Freeman (alternate).

**Stanley:** addressed the Applicants (under RSA 674:33) – If there is not a full 5 member board, even with alternates serving. The applicant has the option of postponing the hearing until all members are present. If the applicant chooses to proceed with the hearing, he/she should be advised that a 3- or 4- member board will not be grounds for a rehearing in the event the application is denied.

**Stanley:** will ask each applicant prior to hearing their case.

**Meeting Minutes:** Jim Rines commented on a couple of corrections to the April 12, 2016 minutes. The minutes were amended.

**Motion:** by Ski K., seconded by Ralph W., to approve April 12, 2016 meeting minutes as corrected.

**All others in favor, motion passed.**

### **Old Business**

- **DiPrizio Garage Variance/Special Exception Review:** Tax Map: 39 Lot: 4 -7 Newman Drew Rd., West Ossipee. When the variance was ***applied for*** in 1999, it was for providing mechanical services only on cars he was selling on his property, not to include services to the public, ***but the record appeared to show the variance was denied.***

- Syd Rouleau (current occupant): admits to working on some other cars but not many.

Stanley asked if he was the person who first started the business. Syd replied no, he's only been there for 3 years. Steve McConarty – ***Zoning Enforcement Officer*** - referenced of a letter to the former proprietor – David Sands on June 28, 1999 ***which*** ordered a “Cease and Desist from all automotive repair and service work to his own vehicles and public.” Steve stated Syd Rouleau is the only proprietor at this time. Current zoning for this property is Road-side Commercial but it's also in the Water Resource Protection. After discussion amongst the Board, Syd Rouleau was referred to Steve McConarty, who will issue a Denial letter. Syd Rouleau can then apply for a variance with the ZBA.

### **New Business**

- **Meeting Etiquette:** moved to next meeting

- **Case #16-2-V, Steven Creamer and Cathy Cardinal**, property located at 36 Knox Mtn. Road, Tax Map 75, Lot 49, has applied for a Variance from Articles 6.4.1.a & 6.4.2.a for relief from front and side setbacks to be able to construct an addition.

**Ralph:** asked to see list of abutters and if there was an 11 x 17 map. These were provided to ZBA.

**Stanley:** ***asked*** applicant if he wished to proceed with hearing knowing there was not a full board. Applicant agreed. Ralph noted with only 4 members present, he would need 3 favorable votes in order for the variance to be granted. Applicant noted he understood.

**Barry Norcross presented:** Owner wants to remove a 70's style chalet and rebuild a 20' x 28' Master suite and a 28' x 32' attached garage. Asking for variance to already non-conforming front setback and a side setback.

**Ralph** noted according to the Ossipee Zoning Ordinance revised March 10, 2015, the front setback for rural zone is 25 ft. This sparked a brief debate and need for clarification as to whether this has changed or is it a misprint because it used to be 40 ft. but now it indicates 25 ft. Pending clarification.

**Discussion open to abutters;**

- James Hazard, 40 Knox Mountain Rd., is a resident of 16 years and is in opposition to this variance for the side setback and noise level during construction. He is permanently disabled and has a sleep disorder.
- Sonny Bernardo, 48 Knox Mountain Rd., has no problem with the project and thinks it will make the area look beautiful. States all other neighbors are in support of the project.
- Stanley read a letter from Warren Harrington, 30 Knox Mountain Rd. stating his opposition.
- Steven Creamer, 36 Knox Mountain Rd. spoke with Warren Harrington earlier in the day. Steve explain to Warren their intent and Warren changed his mind and was in favor of the project.
- Jim Rines: **had** two questions: 1. to abutters about concerns with construction noise. Whether the variance is granted to night or not, they have the right to do construction on property. James Hazard acknowledged but just wanted it stated that he is under duress and sleep deprived and this will be problematic for him 2. Asked Barry Norcross and/or Steve Creamer if they are taking the construction down to foundation and new construction will extend 72 ft. wide, is there any reason why they cannot move the plans 6 ft. to the **right** and not need a side setback variance. Barry noted the septic is located to the **right** of current chalet. They are leaving the current foundation and floor system and terrain is fairly steep on the left of the property.

Stanley interrupted to acknowledge that Bill Grover (alternate) **had** arrived and would like to appoint him to voting status making it a full 5 member Board.

- Jim suggested reducing to a modest size the master suite to reduce the amount of side setback. Steve C., stated the master suite will contain the master bedroom, master closet, master bath, and laundry room.
- Ski suggested downsizing the garage to reduce the amount of side setback. Steve C. accounted for the number of vehicles to be housed in the garage.
- **Motion:** by Jim R., seconded by Ski K., to approve a Variance for Case#16-2-V Steven Creamer and Cathy Cardinal, property located at 36 Knox Mtn. Road, Tax Map 75, Lot 49 from Articles 6.4.1.a & 6.4.2.a for relief from front and side setbacks to be able to construct an addition.

**Open for Discussion:**

Ski noted he has no problem with the front setback but feels the side setback could be diminished with some re-planning of the designs. Jim noted similar issues as Ski K., with regards to side setbacks.

Ralph walked the property prior to meeting and noted they have granted setback for less but with at one abutter in opposition, he finds it hard to grant approval. Bill noted without having a topographical map to better view the setbacks. He would have to defer back to the members who did walk the property. Bill was provided a larger map to reference. Steve Creamer asked if he reduce the dimension to 26 ft. wide would be more acceptable to the Board. Ski said 24 ft. would be more in conforming to the side setback. Applicant was given the option of continuing to the next meeting and possibly re-designing his plans or move to a vote; Applicant opted for a vote.

**Vote by Criteria:**

1. The variance will not be contrary to the public interest because:

**Jim – Yes    Ski – No    Ralph – No    Bill – No    Stanley - Yes**

2. The spirit of the ordinance is observed because:

**Jim – No    Ski – No    Ralph – No    Bill – No    Stanley - No**

3. Substantial justice is done because:

Jim – No      Ski – No      Ralph – No      Bill – No      Stanley - Yes

4. The values of surrounding properties will not be diminished because:

Jim – No      Ski – No      Ralph – No      Bill – Yes      Stanley - Yes

5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship because the “Special Conditions” of this property that distinguish it from other properties in the area are as follows:

Jim – No      Ski – No      Ralph – No      Bill – No      Stanley - No

(B) Owing to the special conditions, set forth above, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it because:

Jim – No      Ski – No      Ralph – No      Bill – No      Stanley – No

**Motion: Variance DENIED** - for Case#16-2-V Steven Creamer and Cathy Cardinal, property located at 36 Knox Mtn. Road, Tax Map 75, Lot 49 from Articles 6.4.1.a & 6.4.2.a for relief from front and side setbacks to be able to construct an addition.

Stanley noted the applicant has 30 days to appeal the decision starting May 11, 2016.

- **Case #16-3-V, Westward Shores Lakeside Camping Resort**, Tax Map: 29 Lot: 01, 110 Nichols Road. Submitted application for a variance to the terms of Article XV, section 15.1.18 of the Zoning Ordinance of the Town of Ossipee NH to allow a new road within an existing campground to be 16” wide, where a minimum width of 20: is required.

**Jim Rines:** requested to recuse himself from this case due to speaking with this applicant a couple of times about a potential consultation and having done extensive work on the peninsula area for a prior client. Jim felt he would jeopardize the case by having more knowledge of the property *than* the rest of the Board does.

**Ski K:** requested to recuse himself from this case as also being on the Planning Board and *having* heard prior presentations of this project and questioned if it would be considered prejudice towards the applicant. Stanley asked if he had voted on this project yet. Ski replied, no. Ralph asked the applicant if he was presenting anything new or different than he *had* presented to the PB. Dan Flores replied no, it was the same. After brief discussion, the Board members agreed Ski could remain as a voting member.

**Dan Flores,** SFC Engineering stated Green Mountain Conservation Group (GMCG) brought to his attention an error in the March 8, 2016 meeting minutes. The way it’s worded it could be interpreted that GMCG had met with SFC Engineering or that *they* had gained their review or approval of the project. SFC Engineering has not met with GMCG and they have not weighed in on the project. As stated, SFC Engineering used their Model Ordinances to review how this project stacked up against the ordinances.

**Dan Flores:** presented Northgate Ossipee, LLC proposed expansion of WWSCG:

- 258 sites to 522 sites and a special exception was granted on March 8, 2016.
- Seeking variance to the terms of Article XV, section 15.1.18 of the Zoning Ordinance of the Town of Ossipee NH to allow a new road within an existing campground to be 16” wide, where a minimum width of 20 ft. is required.
- Part of expansion includes redevelopment of existing dwelling and the large bunk house will be removed for 18 camp sites.
- **Proposed** road to be 16 ft. wide to reduce wetland impact.
- Spoke with Fire Chief Huddleston (letter enclosed in packet), he **approved** the road being 16 ft. wide.
- (6) Paved shoulders that are 4 ft. wide for pull - off areas meeting the 20 ft. wide requirement in those locations.
- Currently have Wetland application file with NH DES for 985 sq. ft. wetland impact.

**Ski:** questioned status of letter. Dan replied, they received comments back and they are addressing *those*.

There are concerns from NH Fish & Game, as well as the Loon Preservation Committee which they are working to address those concerns and will respond to NH DES.

**Ski:** The areas of paved shoulders will be increased to 20 ft. wide. Dan replied yes.

**Ski:** asked if letter from Fire Chief Huddleston was an email. Dan replied it was emailed to him as an attachment.

**Bill G.:** asked Dan to illustrate on the map where the upgrade on the road will be. Dan illustrated its only on the peninsula. Currently, it's essentially a driveway that ranges 8.5 ft. to 13 ft. wide.

**Bill G.:** any speed bumps to be installed. Dan replied, no.

**Bill G.:** ask how many campsites will this road service. Dan replied, 18 campsites.

**Stanley** called any more questions from the Board.

**Ski:** stated as long as the state approves and they comply with the state, he does not have problem.

**Stanley** stated as Fire Commissioner for the West Ossipee Fire Precinct which will service this area; he spoke with Chief Carl Huddleston, who stated that 16 ft. wide is acceptable.

#### **Opened for Public Discussion:**

**Blair Folts, GMCG** – referenced a letter she sent to ZBA on May 5, 2016 addressing several mistakes she felt were in the March 8, 2016 meeting minutes. She also wanted to see the letter Bob Reynolds, had written from Ossipee Lake Alliance supporting WWSCG, when she knows Ossipee Lake Alliance does not support, she feels there is a conflict of interest.. Chris Martin was listed as being supportive from Audubon Society. He never met with SFC Engineering but was with Fish & Game and had met with an employee of WWSCG. She states she took the March 8, 2016 minutes and made the corrections for us and provided a copy.

**Bill G.:** interrupted Blair F. stating we are here for a variances on the width of a roadway not here to address meeting minutes.

**Stanley:** stated **ZBA had** not received the letter

**Blair:** questioned how **that could have happened.**

**Laura N.** – ZBA Secretary responded that no letter has been received and mail is picked up each day that I work.

**Stanley:** asked if she (Blair) had any questions pertinent to the road variance

**Blair F.:** If he was to seek the variance to 20 ft., he would not be permitted by NH DES because there would be too much impact to the wetlands. She questioned how big the 18 campsites on the peninsula will be.

**Stanley:** **intervened** stating we are here for the roadway variance only not the size of the campsites.

**Blair:** stated if he has 20 ft., he has to ask for 16 ft., otherwise NHDES will not grant the permit because the impact to the wetlands would be too great.

**Dan Flores:** **denied** the allegation.

**Blair:** asked for Dan to address the issue.

**Dan Flores:** replied part of the wetland process is to choose the least **impact**. In this case 16 ft. **is** a viable width of road and **was** choosing this option as the least impacting to the wetlands.

**Blair:** **Claimed** he **had** to get this variance in order to get the permit from NH DES.

**Dan Flores:** rebutted, No, not at all. The state does not care about the variance from the ZBA.

**Blair:** They care about the 20 ft. verses the 16 ft. because it's going to be the least surface area that's impervious and suggest the ZBA talk to NH DES.

**Stanley:** stated the ZBA does not talk to NHDES. All the ZBA handles are packets from applicants seeking a variance according to Ossipee Zoning Ordinance. In this case seeking a variance from Ossipee Zoning Ordinance of 20 ft. to 16 ft. for a roadway.

**Blair:** She **was** very concerned and **had** not been involved **before** now but to see the amount of lies in the ZBA minutes that came from SFC Engineering, **had** her very concerned.

**Stanley:** First, I take offense to your accusations there are lies in our minutes!

**Blair:** Claims the lies are not from the ZBA but from SFC Engineering.

**Dan Flores:** states he takes offense and they did not lie.

**Stanley:** stopped the conversation abruptly! Anyone else with comments concerning the roadway.

**Walter Day:** suggested putting up “No Parking” signs along the road to the peninsula, so there will be no blockage of the roadway. Dan Flores: agreed, good suggestion.

**Carol Holyoake,** Carroll County Independent – When is the correct time to bring to the Board attention minutes that have been fact checked and need to be addressed?

**Stanley:** Stated at the end of the meeting after we have heard all the cases or we can add it to the agenda for the next meeting.

No further questions, Public discussion was closed.

• **Motion:** by Stanley, seconded by Bill, to grant a Variance for **Case #16-3-V, Westward Shores Lakeside Camping Resort**, Tax Map: 29 Lot: 01, 110 Nichols Road. Submitted application for a variance to the terms of Article XV, section 15.1.18 of the Zoning Ordinance of the Town of Ossipee NH to allow a new road within an existing campground to be 16” wide, where a minimum width of 20: is required and (6) paved 4 ft. wide shoulders where illustrated on drawings.

**Opened for Discussion:**

**Ski:** Thinks there is conflicting information between SCF Engineering verses the public and wants to wait on voting until NH DES responds pertaining to the size of the road and the impervious surface.

**Bill:** respectfully disagreed with Ski. Because with every variance case, we always make a stipulation the applicant needs to follow State, Federal, local regulations, ordinances and laws. The State will supersede any conditions the town imposes. (Ex: If we approve it today and NH DES says **no** tomorrow, they can because NH DES **takes** precedence over the town ruling.

**Ski:** suggested amending the motion to include this wording.

**Bill:** ask Ski if **he** would prefer the motion amended or have it as a condition. Ski preferred the motion be amended?

**Bill:** withdrew his second **of** the motion.

**Stanley:** withdrew his motion.

• **Amended Motion:** by Stanley, seconded by Bill G., to approve the variance from 20 ft. to 16 ft. to the terms of Article XV, section 15.1.18 of the Zoning Ordinance of the Town of Ossipee NH to allow a new road within an existing campground to be 16” wide, where a minimum width of 20: is required and to meet all state, federal and local regulations and to have all copies of NH DES letters forwarded to the board.

**Discussion:**

**Ralph:** Our Ordinance is intended to create a safe environment for the public using the campground and we are bringing in the wetlands. Even though I have a lot of respect **for** the environment and saving the environment, **that** is not our job and I agree with Bill. It is the state’s job to monitor the wetlands. I can only adhere to the rules and regulations of the Zoning Ordinance.

**Vote by Criteria:**

1. The variance will not be contrary to the public interest because:

**Ski – Yes    Ralph – Yes    Bill – Yes    Stanley - Yes**

2. The spirit of the ordinance is observed because:

**Ski – Yes    Ralph – Yes    Bill – Yes    Stanley - Yes**

**Bill:** agreed with putting up “No Parking” signs along the road to the peninsula, so when it gets to the PB, they can have that as a stipulation.

3. Substantial justice is done because:

**Ski – Yes    Ralph – Yes    Bill – Yes    Stanley – Yes**

4. The values of surrounding properties will not be diminished because:

**Ski – Yes    Ralph – Yes    Bill – Yes    Stanley – Yes**

5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship because the “Special Conditions” of this property that distinguish it from other properties in the area are as follows:

(Ai) No fair and substantial relationship exists between the purposes of the ordinance applicable to the application and the specific application of that provision to the property because:

(Aii) The proposed use is a reasonable one because:

**Ski – Yes    Ralph – Yes    Bill – Yes    Stanley - Yes**

- **Motion: Variance GRANTED**, for the variance from 20 ft. to 16 ft. to the terms of Article XV, section 15.1.18 of the Zoning Ordinance of the Town of Ossipee NH to allow a new road within an existing campground to be 16” wide, where a minimum width of 20: is required and to meet all state, federal and local regulations and to have all copies of NH DES letters forwarded to the board.

Stanley noted there is a 30 days appeal process to appeal the decision starts May 11, 2016.

- **Case #16-4-V, Douglas & Donna Brown c/o Mark McConkey**, Tax Map: 31 Lot: 20, 77 Broad Bay Rd. Submit application of Appeal based on Article 6.4.2A of the Ossipee Zoning Ordinance. To demolish the existing home & construct new home & garage with clearance of Left side: 10.92’, Right side: 13.66’, and Front: 22.58’.

**Mark McConkey**, acting agent for owners: Property has existing house with existing setbacks: house is 22.58 ft. (front) from the high water, left side is 17.85 ft., and right side 23 ft., and the rear of the house is only area that meets the setbacks. The plan shows existing house in yellow on the plans, foot prints of new home shown by black lines. The proposed house is moved slightly back and now the state considers it more non-conforming to 22.97 ft. front edge which is deck on the front of the home. Left was proposed 10.92 ft., *the* property belong to the Riley’s, *and who were* present. The right was proposed at 13.66 ft. and the rear still met setback requirements at 75 ft. The new building is further back from the reference line but does infringe on the neighbors boundaries of the 25 ft. on either side. Mark presented building plans with house dimensions and photos of current home and some of the retaining walls down to the water’s edge. Due to disrepair of retaining walls, walk ways and some storm water run-off, *owners* are in discussions with NHDES and Conservation Commission about replacing and extending retaining walls and possibly adding a perch beach. Mark *stated* it’s an extension shoreland redevelopment application and permit. They will be mitigating all storm water off the new structure into the ground before it makes it way down the hill. Environmentally *it* will be much better for the storm water. Building designs have been changed due to abutters and the home is being turned and the house and garage will not be any closer than 20 ft. They will supply new plans next month to illustrate the changes and will make them less non-conforming.

**Stanley:** Open meeting for public discussion.

**Mark:** read letter from the Riley’s, who are the left-side abutters: Are fine with project as long as house/garage is no closer than 20 ft. to their property line.

**Walter Day:** right-side abutter: fine with current plan

**Motion:** by Jim, seconded by Stanley to continue discussion to the next scheduled meeting of June 14, 2016. **All in favor, motion passed.**

- **Case #16-5-V, Elizabeth & Franklin Sawyer c/o Mark McConkey**, Tax Map: 32 Lot: 09, 156 Leavitt Rd., Submit application of Appeal based on Article 6.4.2A of the Ossipee Zoning Ordinance. Seeking variance for an addition to a cottage. Variance from Front Setback: 17.71’ for the addition & 11.68’ for the stairs.

**Mark M:** presented. The Sawyer’s own the peninsula. They have had cottages on the property according to the tax cards since the 40’s. The building in question was renovated a few years back and the builder brought Mark M. in on the project because he wanted to add an addition onto the current cabin. Builder was told he would need Shoreland Redevelopment approval. Builder was given approval by the State.

Owner wants to add a modest addition on one end of the home that will extend out and in alignment of the existing home. Additions will be 8 ft. x 14 ft. (96 sq. ft.) and stairs leading off to the right of the house.

**Jim R:** Did a site review prior to tonight' meeting noted several improvements, missing existing structures, and a deck with several stairs coming off it missing from site map. Mark noted some item came off the tax map others came from the tax card but offered to have all this corrected.

**Stanley:** Open meeting for public discussion – none heard

**Stanley:** read a letter from James & Candace Connolly, Tax map 32 Lot 4 & 5 in support of project. Read a letter from Woodbury & Christine Fogg, Tax map: 32 Lot: 01 in support of project.

- **Motion:** by Jim R. seconded by Bill G., **Case #16-5-V, Elizabeth & Franklin Sawyer c/o Mark McConkey**, Tax Map: 32 Lot: 09, 156 Leavitt Rd., for a Variance based on Article 6.4.2A of the Ossipee Zoning Ordinance to allow a Front Setback: 17.71' for the addition & 11.68' for the stairs.

- Conditioned on: 1. All state/federal and local approvals. 2. Submittal of an updated plan which shows all improvements along the shoreline and both structures on the property.

**Stanley:** Opened for Board Discussion

**Ski:** Voiced his concern of the unapproved structures Jim R., referenced. Stanley noted this would be referred to Steve McConarty for Building Zoning Enforcement.

**Ralph:** voice his concerns of the owner not acting in good faith since he has already done improvements without a variance and he would need to see permits before approving this project.

#### **Vote by Criteria:**

1. The variance will not be contrary to the public interest because:

**Jim – Yes    Ski – Yes    Ralph – No    Bill – Yes    Stanley - Yes**

2. The spirit of the ordinance is observed because:

**Jim – Yes    Ski – Yes    Ralph – No    Bill – Yes    Stanley – Yes**

3. Substantial justice is done because:

**Jim – Yes    Ski – No    Ralph – No    Bill – Yes    Stanley - Yes**

4. The values of surrounding properties will not be diminished because:

**Jim – Yes    Ski – Yes    Ralph – No    Bill – Yes    Stanley – Yes**

5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship because the “Special Conditions” of this property that distinguish it from other properties in the area are as follows:

**(Ai)** No fair and substantial relationship exists between the purposes of the ordinance applicable to the application and the specific application of that provision to the property because:

**(Aii)** The proposed use is a reasonable one because:

**Jim – Yes    Ski – Yes    Ralph – No    Bill – Yes    Stanley – Yes**

- **Motion:** Variance **GRANTED**, **Case #16-5-V, Elizabeth & Franklin Sawyer c/o Mark McConkey**, Tax Map: 32 Lot: 09, 156 Leavitt Rd., for a Variance based on Article 6.4.2A of the Ossipee Zoning Ordinance to allow a Front Setback: 17.71' for the addition & 11.68' for the stairs.

**Conditioned on:** 1. All state/federal and local approvals 2. Submittal of an updated plan which shows all improvements along the shoreline and both structures on the property.

Stanley noted there is a 30 days appeal process to appeal the decision starts May 11, 2016.

#### **Any Other Business Which May Come Before This Meeting**

Conversation continued regarding the ZBA meeting minutes from March 8, 2016:

**GMCG – Blair Folts:** *Stated* she was not implying the ZBA minutes *were* incorrect but *stated* the information in the presentation from SFC Engineering has a lot of misinformation. She feels SFC Engineering has misrepresented a lot of the organizations. She provided the ZBA with a letter she

assembled from the March 8<sup>th</sup> minutes and the areas she *felt* are misrepresented.

**Stanley:** asked what SFC Engineering misrepresented.

**Carol Holyoake from Carroll County Independent;** states she fact checked the items in Blair's letter.

**Stanley:** ask what was misrepresented

**Carol H:** *stated* it will be in her article in this Thursday's CCI paper.

**Blair:** started reading from her letter what she felt is being misrepresented. She continued stating that perhaps the ZBA would have voted differently (or maybe not) if the ZBA had heard more from these organizations that she feels were misrepresented by SFC Engineering.

**Carol H:** quoted Ralph, "the issue is trust in moving forward, if someone has acted in bad faith, how *can you* move forward with a project this size in good faith?"

**Stanley** stated: we can only act on information provided to us.

**Dan Flores:** read sentence referenced March 8<sup>th</sup> minutes, item 2, View Sheds. But sentence should have read: "George states they met the Green Mountain Conservation Natural Resource Policy Guide." Dan continued saying they did not meet with GMCC but used their guide because it contained the model ordinances.

**Stanley:** clarified *that* the recording is the official minutes and if someone wants a copy of the recording there is probably a fee.

**Blair F:** *recommended and encouraged* the Boards *to* move slowly with a project *of* this size and seek advice from other organizations, who may have more expertise than the engineers.

**Bill G:** Addressed Blair who referenced the State but did not indicate any agencies. Blair *stated* she spoke with Fish & Game and the Wetland Bureau. Bill *stated* she also referenced septic issues, *but* the ZBA does not get involved in any septic issues that is up to the State Regulations. When the ZBA gets involved with any variance, it is still conditional on State, Federal, and Local Regulations and Laws. As for other organizations she referenced, (i.e. Audubon Society, Heritage Inventory Bureau, etc...) since she is not associated with these organizations she cannot speak for them. Blair confirmed she did speak with Chris Martin from Audubon and did get a correct quote from him which is in the letter she submitted earlier. Bill suggested the only thing we can do, with Board approval, is go back and listen to the recording from the March 8<sup>th</sup> meeting and see if there were misstatement, misquotes and possibly do an addendum. But at this point how the property was obtained has no bearing on what they are here for tonight.

**Ralph:** Based on his memory and as a member of GMCC; SFC Engineering in fact did not claim to have met with *GMCC*, but they used the model ordinances. He believes the minutes might be wrong but he does not believe the engineers have misrepresented the project. We have a letter given to us from SFC Engineering and it's on Ossipee Lake Alliance letter head. We can only go by what is presented to us.

**Carol H:** wanted a retraction on that and it was not given in good faith.

**Ralph** interrupted and stated we try to get the information out to the public. We post it in the newspapers, send letters to the abutters, we do everything we can to let people know and then we have to base our decisions on what we get for information provided to us. He does not believe they are misrepresenting because when questions or suggestions have been asked...SFC Engineering/WWSCG have responded.

**Ralph** stated he does not have a reason to distrust them unless she (Blair) can prove otherwise.

**Dan Flores** addressed Blair – stating he brought this error to the *Board's* attention and he called Blair the next the day. He drove 2 hours up and back to meet with Blair to clarify. Blair confirmed the meeting and stated she opposed the plan and asked for a letter of *apology*. He *stated* they have not misrepresented anyone. Dan continued stating reference to Chris Martin, Audubon Society. He was on the property. He met with the property manager, Mark. An Eagles nest was located and Fish & Game is aware. But SFC Engineering has not specifically spoken with Chris and the minutes might be misquoted if it implies they did speak. Blair claimed Chris was there contracting for Fish & Game. Dan stated Fish & Game told them that Mr. Martin from Audubon Society would be on site.

**Ashe Fischbein:** *stated* he *had* not formed an opinion but he knows Ossipee Lake is *the town's* biggest asset. But someone put a bug in his ear that Ossipee has the ability to hire a firm to represent the town to



ensure certain criteria take place with the town best interest. He also suggested the cost of hiring a firm would fall on the applicant.

**Jim R.:** Planning and Zoning Ordinance and statues allow for Planning Board to hire independent consultant to review the plans and the applicant needs to bear the expense.

**Mark McConkey:** commented the firm Dan Flores represents (SFC Engineering) *is* a large firm that handles projects like this all the time. They are in the camp ground business and Mark has seen other campgrounds they have done. The campground is not rocket science but the environment is a real concern. But there are *rules* & regulation that govern *the process which* they are *following*. They have withdrawn from places perceived to be sensitive that could be developing. Mark think it's burdensome to come out and say in this meeting tonight that something is wrong and you need to bring in consultants. Mark *thought* there *might be* a misunderstanding perhaps but Mark would not *make* a leap to judgement. As a business owner in this town and pay dearly for taxes. Mark looks at the Town of Freedom, who has Danforth Bay and Totem Pole. Those two properties are paying over 20 – 25% of the tax base for the entire town. Make them do everything they should do. Mark thinks their willing to do that, but don't throw road blocks in front of them and hire cost to do that. It's the Boards decisions and actually WWSCG does not need a firm as large as SFC Engineering to be doing this project for them. As a business owner and tax payer in this town, *he* believes our Boards have the abilities in some areas. *If* you believe your Boards don't, then perhaps you bring on counsel. Jim Rines *felt it was not unreasonable for peer reviews on larger projects. Danforth Bay had a peer review.*

**Stanley:** stated if they want a copy of the recording for the March 8, 2016 ZBA meeting, they need to contact the town for arrangements.

- Drummond Woodsum, Attorney at Law – holding a Complimentary Human Resource Program: Wage and Hour Hot Spots Conference on June 1 & 2, 2016. Anyone wanting to go see the Secretary.

**Ralph:** 1. Request to get clarity on the front & side setbacks

2. Have packets mailed to members ahead of meeting.

**Ski:** questioned what if we find out these structure on Sawyer property were built without a variance. Stanley replied it would be turned over to the Town and to Steve McConarty to investigate and/or enforce.

**Bill G.:** Clarifying what is considered a property hardships and *that does* not has a dollar amount. He quoted two applicants applying for variance tonight had on their application "The benefit to the public interest: increase tax revenue," that has nothing to do with why we should hear a Variance.

### Adjournment

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

The meeting adjourned at 9:40 p.m.

**Minutes approved by majority vote of the Board on:**

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Stanley Brothers, Chairman

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Date