

OSSIPEE ZONING BOARD
Meeting Minutes
September 13, 2016

Minutes were recorded by Laura Nash, Board Secretary.
Revisions of these minutes are noted by ***bold/italic*** type.

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

Members Present by Roll Call: Stanley Brothers, Dave Babson, Ralph Wurster, and Ski Kwiatkowski.
Absent: Jim Rines, Bob Freeman (Selectmen's Rep), and Bill Grover (alternate)

Meeting Minutes:

Meeting Minutes of August 9, 2016 were reviewed. **Motion:** by Dave Babson and seconded by Ski K., to approve August 16, 2016 minutes. Ralph requested clarification of wording intent on a motion by Jim Rines at the previous meeting, stating ***"If for whatever reason a structure is damaged down to the foundation, the home owner can rebuild as a Matter of Right as long as the same footprint and same equal volume of the structure is not expanded or altered."*** After a brief discussion, Dave Babson withdrew his previous motion and a new **Motion:** by Ski K and seconded by Stanley B., to continue the approval of the August 16, 2016 minutes until the next meeting on October 11, 2016.

All others in favor, motion passed.

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 an appeal hearing in the event the application is denied.

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

New Business

• **Case #16-2-SE: Michael Henault (Irving Energy)** – 135 Route 16B – Tax Map: 87 Lot: 28. Requesting a Special Exception from Article 34.2, section O for installation of one - 30,000 gallon underground propane tank to the bulk plant. Sheldon Illsley presented case. A lengthy discussion ensued. Questions and concerns for preventing fire, safety of the neighbors, property values, and hours of operation from the ZBA and residents were heard and addressed. **Motion:** by Ski K., and seconded by Ralph W., to approve Special Exception for Article: 34.2 Section: O pending five conditions being met for **Case #16-2-SE: Michael Henault (Irving Energy)** – 135 Route 16B – Tax Map: 87 Lot: 28.

Vote by Criteria:

1. The use is permitted by Special Exception under Table 1 (Article 34 of the Ossipee Zoning Ordinance) or elsewhere in the Ordinance (for example, see Article 6.2).

Ski – Yes Ralph – Yes Dave – Yes Stanley - Yes

2. The use is so designed, located and proposed to be operated that the public health, safety, welfare, and convenience will be protected.

Ski – Yes, there are safe guards in place to protect the health and safety of the public.

Ralph – Yes, and I believe the conditions attached are in place to protect the public.

Dave – Yes

Stanley – Yes, and I believe the conditions we have put in place will help satisfy this requirement.

3. The specific site is appropriate for the proposed use or structure.

Ski – No Ralph – Yes Dave – Yes Stanley - Yes

4. No factual evidence is found that the property values in the district will be reduced, due to incompatible land use, by such use.

Ski – Yes

Ralph – Yes

Dave – No, because was no evidence was presented that it would de-value property.

Stanley – Yes

5. Adequate and appropriate facilities and parking will be provided for the proper operation of the proposed use or structure, as required by the Ordinance.

Ski – Yes, because there is adequate parking for the trucks and it is a secured lot.

Ralph – Yes

Dave – Yes

Stanley – Yes

6. There will be no undue nuisance or serious hazard to pedestrian or vehicular traffic.

Ski – Yes, because it has been addressed in the conditions.

Ralph – Yes

Dave – Yes, as long as they conduct their business during the conditional hours listed.

Stanley – Yes

7. The proposed use shall not violate the provisions of Article IV and V of the Ordinance.

Ski – Yes Ralph – Yes Dave – Yes Stanley – Yes

8. There is no valid objection from the abutters based on demonstrable fact.

Ski – Yes, because their concerns have been addressed to a satisfactory condition.

Ralph – No

Dave – No

Stanley – Yes

• **Motion:** for Special Exception is **GRANTED** for **Case #16-2-SE: Michael Henault (Irving Energy)** – 135 Route 16B – Tax Map: 87 Lot: 28. ***Conditional on the following five criteria's:*** **1.** Complies with Fire Chief's Conditional Letter. **2.** State Fire Marshall Conditions to have the Fire Emergency Plan and Operating Plan complete and on file prior to construction begins.. **3.** Inspection Reports submitted to the Fire Chief per his requested time table. **4.** Normal Business hours will be 6:00 am to 6:00 pm. for delivery (bobtail) trucks and Transport trucks. Except for an emergency delivery by bobtail trucks only. **5.** Comply with All Federal, State, and Local Laws and Ordinances. **All in favor, motion passed.**

Stanley noted there is a 30 days appeal process to appeal the ZBA decision which starts tomorrow morning.

• **Case #16-8-V: Bethe McBride** – 6 Cold Spring Circle; Tax Map: 66 Lot: 37 – has applied for a Variance from Article 23.3.2 & 6.4 of the Ossipee Zoning Ordinance to enlarge a garage from a one-car to a two-car garage.

Chairman, Stanley Brothers: asked applicant if he wished to proceed with hearing knowing there was not a full board. Applicant understands rules and agreed to proceed.

Bethe McBride presented her case to the Board. Stanley Brothers read a letter from the Indian Mound Association stating their approval of the project. The Board addressed their questions and move to a vote.

- **Motion:** by Dave Babson and seconded by Ski K., to grant the Variance for **Case #16-8-V: Bethe McBride** –for a Variance from Article 23.3.2 & 6.4 of the Ossipee Zoning Ordinance to enlarge a garage from a one-car to a two-car garage.

Vote by Criteria:

1. The variance will not be contrary to the public interest because:
Ski – Yes Ralph – Yes David – Yes Stanley - Yes
 2. The spirit of the ordinance is observed because:
Ski – Yes Ralph – Yes David – Yes Stanley – Yes
 3. Substantial justice is done because:
Ski – Yes Ralph – Yes David – Yes Stanley - Yes
 4. The values of surrounding properties will not be diminished because:
Ski – Yes Ralph – Yes David – 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:
Ski – Yes Ralph – Yes David – Yes Stanley - Yes
- (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:
Ski – Yes Ralph – Yes David – Yes Stanley – Yes
- (Aii) The proposed use is a reasonable one because:
Ski – Yes Ralph – Yes David – Yes Stanley – Yes

- **Motion: Variance GRANTED** from Article 23.3.2 & 6.4 of the Ossipee Zoning Ordinance to enlarge a garage from a one-car to a two-car garage. Comply with All Federal, State, and Local Laws and Ordinances and comply with regulations of Indian Mound Association. **All in favor, motion passed.**

Stanley B., noted there is a 30 days appeal process to appeal the ZBA decision which starts tomorrow morning.

- **Case #16-9-V: Cathy Cardinal & Steve Creamer**– 36 Knox Mountain Rd.; Tax Map: 75 Lot: 49 – has applied for a Variance from Article 6.4.1. (a) Of the Ossipee Zoning Ordinance for Front setback (11’ X 8’) to enlarge a garage. Barry Norcross addressed a dimension error on his drawings. The proposed addition shows (20’ x 28’). It should be (14’ x 28’) and the porch addition now shows (14’ x 6’).

Chairman, Stanley Brothers: asked applicant if he wished to proceed with hearing knowing there was not a full board. Applicant stated per the owners request, without a full board, they request a continuance until the next meeting on October 11, 2016.

Motion: by Dave Babson and seconded by Ski K., to accept the request for a continuance until October 11, 2016. **All in favor, motion passed.**

Letters: (ZBA information only)

- **FEMA** – Risk Mapping, and Planning Discovery Meeting for the Winnepesaukee Watershed to be held September 27, 2016 at 10:30 am, Gilford Town Hall.

- **NHMA Lecture Series** – 2016 Municipal Law, October 15, 2016 in Concord. **Ski K.**, notified the Board and requested to attend and have the secretary register him for the lecture.
- **NBI Seminars:** Land Use and Zoning from Start to Finish, a 2-day Practical Course to be held December 1st & 2nd in Manchester, NH. **Laura N.**, addressed the cost of attending this seminar is \$575.00 for first registrant. Two PB members requested to attend but it's not in their budget nor is it in the ZBA budget to attend. Something to keep in mind when budgeting for the 2017 Budget year.

Any Other Business Which May Come Before This Meeting

- **Budget Report:** August 1st half 2016
 - Secretary's Salary: Ellen White and Laura Nash to work together on it.
 - Education Expense: to increase for 2017 Budget
 - Mileage Expense: to increase for 2017 Budget.
 - Postage Expense: to increase for 2017 Budget.
- **Variance Application:** (update) Laura revision is done need to print and present to Board for approval.
- **Special Exception Application:** in progress
- **Public Notice Fees:** Laura N., brought to the attention of the ZBA that while reviewing the Special Exception application it was noted the public notice fee was \$50.00. This amount is insufficient for public notices. **Motion:** by Ski K., and seconded by Ralph to increase the public notice fees for Special Exception and Equitable Waiver Applications from \$50.00 to \$125.00. **All in favor, motion passed.**

Next Meeting: October 11, 2016 @ 7:00 pm

Adjournment

Motion: by Stanley Brothers, seconded by David Babson, to adjourn the meeting.
All in favor, motion passed.

The meeting adjourned at 8:42 p.m.

Minutes approved by majority vote of the Board on:

Stanley Brothers, Chairman

Date