

# OSSIPEE ZONING BOARD

## Meeting Minutes

November 22, 2017

Minutes were recorded by and transcribed 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 7:07 p.m.

**Members:** Town residents Ed MacDonald and Danny Fischbein were present wanting to become members of the Zoning Board of Adjustments.

Chairman Brothers announced the resignation of Bill Grover from the Zoning Board of Adjustments.

Chairman Brothers stated per “RSA 673:6 Appointment, Number and Terms of Alternate Members. – II-a. An elected zoning board of adjustment may appoint 5 alternate members for a term of 3 years each, who shall be staggered in the same manner as elected members pursuant to RSA 673:5, II.” Jim Rines was contacted via teleconference to have a quorum.

A **Motion** by Brothers to appoint Ed MacDonald and Danny Fischbein as alternate members of the Zoning Board of Adjustment for the Town of Ossipee. Rines seconded. No discussion. Brothers and Wurster voted in favor and Rines voted in favor via teleconference.

Kellie Skehan, Ossipee Town Clerk attended and swore both new members into office.

**Members Present by Roll Call:** Chairman - Stanley Brothers, Ralph Wurster, Ed MacDonald, Danny Fischbein, Steve McConarty and Jim Rines via teleconference.

**Absent:** Bob Freeman (Selectmen’s Rep), and Ski Kwiatkowski.

Chairman Brothers per RSA 673:12 (I) & (III) filling vacancies in a membership for an elected member appointed Ed MacDonald to a full voting member in place of Bill Grover until the next regular municipal election.

Chairman Brothers raised alternate member Danny Fischbein to voting status in the absence of Bob Freeman.

Jim Rines requested to recuse himself from the following case of Case #17-9-V for Phillip Villari. Chairman Brothers approved his request.

***Jim Rines left the meeting by disconnecting from teleconference.***

### **New Business:**

- **Case #17-9-V:** Phillip Villari, 18 Ridge Rd. Tax Map: 34 Lot: 020 have applied for a Variance from Article 6.4.2 (A) side set back to add a 248 sq. ft. addition to the home. Mark McConkey representing agent.
  - **Waiver request for house expansion to be no closer than 15.4 ft. to a side line.**
- **Case #17-2-SE:** Phillip Villari, 18 Ridge Rd. Tax Map: 34 Lot: 020 has applied for a Special Exception from Article 23.3.2 non-conforming structures and uses to raise the roof on the garage for a possible 2<sup>nd</sup> floor. Mark McConkey is the representing agent.

Mark McConkey was present to present the variance case on behalf of Mr. Villari. He would like to raise the roof of the garage, keeping the same footprint, turn the upstairs into a storage area and a wood working

shop on the main floor and add a half bath. A new septic system plan will be designed behind the garage and a shoreland permit will obtain from NHDES beforehand. Mr. Villari also wants to add an “L” shape addition onto the side and front of the house.

McConkey read through and explained the 5 criteria’s for the variance. One request is to waive the 25 foot setback requirement and allow a 15.4 foot setback. The addition is modest in size, a new septic system to replace the current aging system.

Board discussion ensued around setbacks, communication with abutters, and replacement of the septic system. McConkey explained at this point the home owner only needs a septic plan, once he adds the half bath in the garage. He will then be required to replace the septic system.

A **Motion** by Wurster to grant the Variance for Case #17-9-V: Phillip Villari, from Article 6.4.2 (A) to allow the side setback of 15.4 feet, **the construction will follow** all Federal, State and Local regulations and the expansion be pinned. Brothers seconded.

#### Vote by Criteria:

1. Fischbein – Yes      MacDonald – Yes      Wurster – Yes      Brothers – Yes

Wurster explained because the lots are **narrow** and no abutters seem to disapprove.

2. Fischbein – Yes      MacDonald – Yes      Wurster – Yes      Brothers – Yes

3. Fischbein – Yes      MacDonald – Yes      Wurster – Yes      Brothers – Yes

Wurster explained because it’s a modest expansion and to deny would be an injustice.

4. Fischbein – Yes      MacDonald – Yes      Wurster – Yes      Brothers – Yes

5. (ai) Fischbein – Yes      MacDonald – Yes      Wurster – Yes      Brothers – Yes

(aai) Fischbein – Yes      MacDonald – Yes      Wurster – Yes      Brothers – Yes

Chairman Brothers noted the **motion passed**. The Variance has been granted and there is a 30 day appeal process of the ZBA decision, which starts tomorrow morning.

#### Case #17-2-SE:

Mark McConkey presented the Special Exception case from Article 23.3.2 to expand a non-conforming structure and use to raise the roof on the garage for a 2nd floor and a possible half bath. McConkey read through and explained the 8 criteria’s to the Board.

Board discussion ensued around any objections from abutters of which there **were** none, drawings for the garage, pitch of roof, any hazardous material – there will be none, no commercial uses and no living space.

A **Motion** by Wurster to grant the Special Exception for Case #17-2-SE: Phillip Villari from Article 23.3.2 for non-conforming structures and uses to raise the roof on the garage for a 2nd floor, **following** all Federal, State and Local regulations and said garage will not be used for any commercial purposes. MacDonald seconded.

Discussion: McConarty questioned any problems or ground wetness from the septic. Brothers noted he was down there earlier today and he did not see or smell anything with the septic.

A **Motion Addendum** by Brothers to add **the condition that** when the half bath is built the new septic system must also be built. Wurster and MacDonald agreed with this condition and seconded the condition.

#### Vote by Criteria:

1. Fischbein – Yes      MacDonald – Yes      Wurster – Yes      Brothers – Yes

2. Fischbein – Yes      MacDonald – Yes      Wurster – Yes      Brothers – Yes

Wurster explained with the restrictions put in place, the public health, safety, and welfare will be safeguarded

by maintaining it as a single family dwelling.

Brothers agreed with the restrictions imposed.

3. Fischbein – Yes MacDonald – Yes Wurster – Yes Brothers – Yes

4. Fischbein – Yes MacDonald – Yes Wurster – Yes Brothers – Yes

Wurster noted because their maintaining a single family dwelling.

Brothers agreed with Wurster's response.

5. Fischbein – Yes MacDonald – Yes Wurster – Yes Brothers – Yes

6. Fischbein – Yes MacDonald – Yes Wurster – Yes Brothers – Yes

Wurster noted **that** since this is remaining a single family dwelling and a workshop there will be no undue nuisance or serious hazard to pedestrian or vehicular traffic.

7. Fischbein – Yes MacDonald – Yes Wurster – Yes Brothers – Yes

8. Fischbein – Yes MacDonald – Yes Wurster – Yes Brothers – Yes

Wurster commented because no abutters have come forward to object.

Chairman Brothers noted the **motion passed**. The Special Exception has been granted with the conditions:

1. The garage will not be used for any commercial purposes, and
2. When the half bath is added, the new septic system must also be built.

There is a 30 day appeal process of the ZBA decision, which starts tomorrow morning.

#### **Meeting Minutes:**

The Board read and reviewed the ZBA Meeting Minutes from November 14, 2017.

A **Motion** by Wurster to accept the meeting minutes of November 14, 2017. Fischbein seconded. No discussion. A unanimous vote was taken.

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

#### **Adjournment:**

A **Motion** by Brothers to adjourn the meeting. Wurster seconded. No discussion.

**All voted in favor, motion passed.** The meeting adjourned at 7:58 p.m.

**Next Meeting: December 14, 2017 @ 7:00 pm**

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

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**Stanley Brothers, Chairman**

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**Date**

Or

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**Ralph Wurster, Vice Chairman**

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**Date**

*(In the absence of the Chairman)*