

# OSSIPEE ZONING BOARD

## Meeting Minutes

December 14, 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 7:03 p.m.

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

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

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

### **Meeting Minutes:**

The Board read and reviewed the ZBA Meeting Minutes from November 22, 2017.

A **Motion** by Brothers to accept the meeting minutes of November 22, 2017. MacDonald seconded. No discussion. Rines abstained. All others voted unanimously.

### **Financial:**

- Budget Reports: November 2017 – the Board reviewed.

### **New Business:**

- **Case #17-10-V:** Stephen McKenna, 16 Bearcamp River Rd. Tax Map: 27 Lot: 18 has applied for a Variance from Article 6.4.2 (A) side setback/Shoreland permit to keep a 16 X 28 foot Storage Building.

Stephen McKenna presented his case to the Board.

Rines raised the issue of possibly recusing himself from this case due to working with Mr. McKenna 17 years prior. The Board members and Mr. McKenna had no issue with Jim Rines remaining on the Board for this case.

Brothers also raised the issue of possibly recusing himself from this case due to working with Mr. McKenna in the past. The Board members and Mr. McKenna again had no issue with Stanley Brothers remaining on the Board for this case.

McKenna continued presenting his request for a variance to keep his storage shed.

Rines brought attention to several concerns starting with 1. The lack of details on the plans submitted. 2. Properties relation to the Flood Plains and 3. Properties relation to the Flood Way.

Rines referred to and read Zoning Ordinance 4.10.7.3 which speaks to the Flood Ways and to FEMA Flood Plain Maps which depicts the areas of flood plain and flood ways.

McKenna asked Rines what he should do next. Rines commented in order to not jeopardize the Town of Ossipee's Flood Insurance Program would need to provide 1. Detail plans with dimensions. 2. Properties relation to the Flood Plains and 3. Properties relation to the Flood Way.

Tim Otterbach, as an abutter to Mr. McKenna, inquired in order to grant the variance McKenna will need to satisfy the requirements of Zoning Ordinance 4.10.7.3. Rines agreed. Brothers noted he would need to satisfy all requirements in Zoning Ordinance 4.10.7.

Gordon Vandenburg ask to determine if they live within the flood plain or the flood way. Rines noted FEMA has maps online and the Town should have the maps.

Otterbach questioned if it needs to be a certified engineer to perform the analysis. Rines commented yes.

A **Motion** by Rines to continue Case #17-10-V: Stephen McKenna, 16 Bearcamp River Rd. Tax Map: 27 Lot: 18 for a Variance from Article 6.4.2 (A) until the March 13, 2018 ZBA meeting to allow time for Mr. McKenna to have a FEMA Flood analysis done of his property and to provide a detailed plan. Wurster seconded. No further discussion. A unanimous vote was taken.

- **Case #17-11-V:** Michael Kenny, 22 Bearcamp River Rd. Tax Map: 27 Lot: 015 has applied for a Variance from Article 6.4.2 (A) side setback/Shoreland permit to install a 10 X 16 foot raised shed with attached 5 X 16 foot deck and stairs. **Waiver Request** to have shed within the 25 foot side setback requirement at 16 feet.

Michael Kenny presented his case and started to read the five criteria's, when Brothers interrupted. The Board discussed whether they could grant the variance with conditions, since Mr. Kenny needed to meet the same requirements for the FEMA Flood Plain verses Flood Way and Zoning Ordinance 4.10.7. Rines explained he would not receive approval from FEMA. He would receive a written analysis, which he would then submit to the Zoning Enforcement Officer, who in turn would issue the approval.

Mr. Kenny asked if the Board could tell him whether he is in the flood plain or the flood way. Rines noted without seeing a flood map, he would not be able to accurately inform him. Mr. Kenny expressed some frustrations with the process and would like some answers so he could move forward with his application. The Board and applicants wanted to see the actual FEMA Flood Map.

Rines requested a (15) minute recess to go to his office to obtain the flood plain maps.

A **Motion** by Brothers to recess up to (20) minutes for Rines to obtain the FEMA Flood Map for this property. Fischbein seconded. No further discussion. A unanimous vote was taken.

The meeting recessed at 7:45 pm.

Rines asked to use the secretary's computer to obtain the map from the FEMA website. There was difficulty finding the actual website link, so Rines left and went to his office. The secretary kept searching for the website. Rines returned with the map.

Brothers reconvened the meeting at 8:00 pm. Brothers noted the Board is still reviewing Case #17-11-V for a variance request for Michael Kenny.

Kenny noted the FEMA map indicates both Mr. McKenna's and Mr. Kenny's properties are with both the flood way and flood plain and asked for direction on how next to proceed. Rines recommended he review the Ossipee Zoning Ordinance 4.10 and he will need to hire a professional engineer to perform the analysis.

A **Motion** by Brothers to continue Case #17-11-V: Michael Kenny, 22 Bearcamp River Rd. Tax Map: 27 Lot: 15 for a Variance from Article 6.4.2 (A) side setback/Shoreland permit until the March 13, 2018 ZBA meeting to allow time for a FEMA analysis of his property. Fischbein seconded. No further discussion. A unanimous vote was taken.

**Old Business:**

- Review Variance & Special Except Checklist & Application. Mark McConkey brought attention to the secretary to address with the Board of a possible conflict between item # 5 of the application checklist and the RSA 672:3 definition of Abutter. Rines noted it does not contradict. It supplements or expands upon. The Town's Zoning Ordinance is above and beyond the statute for the purpose of notification.

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

Announcement of Christmas Potluck Celebration on December 22, 2017.

The secretary informed the Board of the passing of Ski Kwiatkowski's wife's passing on Sunday and asked if each Board member would sign a card to be sent to Ski expressing our sincere condolences for his loss.

**Adjournment:**

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

**All voted in favor, motion passed.** The meeting adjourned at 8:15 p.m.

**Next Meeting: January 9, 2018 @ 7:00 pm**

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

_____	_____
Stanley Brothers, Chairman	Date
Or	
_____	_____
Ralph Wurster, Vice Chairman	Date
<i>(In the absence of the Chairman)</i>	