

OSSIPEE ZONING BOARD

Meeting Minutes

April 10, 2018

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

Call to Order: Stanley Brothers called the meeting to order at 7:01 p.m.

Members Present by Roll Call: Stanley Brothers, Jim Rines, Ed MacDonald, Roy Barron and Danny Fischbein.

Absent: Ralph Wurster, Sandra “Sam” Martin and Steve McConarty

Membership:

A **Motion** by Brothers to Re-appoint Dan Fischbein as an alternate to the Zoning Board of Adjustment. Rines seconded. No discussion. A Unanimous vote was taken. Town Clerk, Kellie Skehan swore Danny Fischbein into office until March 2020.

A **Motion** by Brothers to appoint Sandra “Sam” Martin as an alternate to the Zoning Board of Adjustment. Rines seconded. No discussion. A unanimous vote was taken.

Brothers read letters to going out to former members Chester “Ski” Kwiatkowski and William “Bill” Grover.

Welcome Newly Elected Board Members:

Brothers welcomed Roy Barron to the ZBA for a 2 year term.

Brothers raised alternate D. Fischbein to voting status in place of Ralph Wurster.

Election of Chairman and Vice-Chairman:

A **Motion** by Rines to nominate Stanley Brothers as Chairman to the Zoning Board of Adjustment. Fischbein seconded. Brothers accepted the nomination. No further discussion. A unanimous vote was taken. **Motion passed.**

A **Motion** by Rines to nominate Ralph Wurster as Vice-Chairman to the Zoning Board of Adjustment. MacDonald seconded. No further discussion. A unanimous vote was taken. **Motion passed.**

Meeting Minutes:

The Board read and reviewed the ZBA Meeting Minutes of March 15, 2018. Rines, Wurster and MacDonald submitted grammatical edits.

A **Motion** by Rines to accept the meeting minutes as amended for March 15, 2018. Brothers seconded. No further discussion. All others voted in favor. Barron abstained, as he was not on the Board at the time.

Financial:

- Budget Reports: 01/01/2018 – 03/31/2018, Rines questioned if the Town pays the full cost of health insurance and phone at the beginning of the year. The secretary is to ask the Town Administrator for clarification.

New Business:

- **Case #18-3-Variance (Rehearing) of 56 Main Street Ossipee, LLC**, of 56 Main Street. Tax Map: 92 Lot: 122 is applying for a Variance Rehearing for Ossipee Granit Recovery, LLC to open a Sober Living Facility/Transition Home called Ossipee Granite Recovery/Transition House.

Brothers read a letter submitted from David Lefevre, Attorney for the applicant requesting a continuous due to a scheduling conflict. Attorney Lefevre requested the case to be continued until May 8, 2018.

A **Motion** by Rines to approve the request for a continuous until May 8, 2018 at the request of the applicant. Barron seconded. Discussion of whether it was appropriate for Rines to make the motion since he's an abutter to the case. Barron withdrew his second and Rines withdrew his motion.

A **Motion** by Barron to approve the request for a continuous until May 8, 2018 at the request of the applicant. MacDonald seconded. No discussion. All others voted in favor. Rines abstained. **Motion passed.**

- **Case #18-4-V: Ossipee Mountain Grille, LLC.** Owner – Tony Ouellette at 1625 Route 16. Tax Map: 053 Lot: 005 is applying for a Variance to come into compliance with setback ordinances 6.4.1 and 6.4.2, which was previously approved by the Planning Board in 2013 without a Site Plan Review.

Tony Ouellette of Ossipee Mountain Grille present his request for a variance to the Board. Ouellette explained the situation with meeting the front setbacks and discussions he had with Dave Senecal and the State along the way. Original plan was for an "L" shaped building, but because of being 30 feet from the center line. Ouellette asked for the building to be move back in line with the existing building. According to Ouellette, Senecal agreed and the addition was move back to the 63 foot mark. Ouellette in conversations with Steve McConarty, Ossipee Zoning Enforcement Officer it was felt he was non-compliant with the rear setbacks to his neighbors. McConarty went down to measure and the setbacks are well within the requirements. Ouellette noted he had a building, electrical and plumbing permits and Senecal was there to inspect along the way. The ZBA acknowledged they had received the Fire Chief's letter of approval.

Barron commented as he was on the Planning Board that originally approved the addition. Barron noted part of the agreement was for 2-3 mobile homes needed to be removed from the property and to not build more than what was previously there. Ouellette noted that was done and the overall foot print ended up being less than what was previously there. Barron agreed and commented that's why Dave Senecal and the 2013 Planning Board felt there was no need for a Site Plan Review. Barron also commented he feels the new Code Enforcement Officer is over stepping his authority. Ouellette stated, since he moved here, he has been trying to make this piece of property comply with the ordinances and regulations.

Ouellette proceeded to explain the dimensions on his drawing to the Board. Board discussion ensued over boundary lines, the deck looking larger than plans indicate, and building not being built according to plans.

Rines would highly recommend having a scaled drawing of the property boundaries, surveyed by a licensed surveyor. Rines noted even though he's a licensed surveyor, he would recommend using someone else since he sits on the ZBA. Rines felt since the Town was somewhat complicit in their decision. It's in the best interest for Mr. Ouellette and the Board to know exactly what waiver their granting and to resolve any issues going forward.

Rines addressed a possible second issue being the septic system of over 1,000 gallons a day. When the Water Resource Protection allows 600 gallons per day. This prompted discussion of possibly needing a Special Use Permit from the Planning Board. Barron requested to have the records from the 2013 meeting retrieved.

A **Motion** by Rines to continue Case #18-4-V: Ossipee Mountain Grille, LLC 8, to the May 2018, ZBA meeting for purposes of being provided a land surveyed showing all structures and features by a licensed land surveyor. Barron seconded.

A Roll Call vote was requested by Chairman Brothers.

Fischbein – Yes Barron – Yes MacDonald – Yes Rines – Yes Brothers – Yes.

Public Input:

Dallas Emery, Center Ossipee questioned what the setback requirements are on Route 16. Rines explained they vary because of the various widths of Route 16.

Tim Otterbach, West Ossipee started asking a question about the corner measurement for Case #18-4-V: Ossipee Mountain Grille, LLC. Owner – Tony Ouellette at 1625 Route 16. Brothers stopped the questioning because the applicant was not present to represent himself.

Notices:

Green Oak Realty Development (former Dow Gravel Pit): A letter from Cleveland, Waters and Bass, P.A. received on 03/26/2018, is requesting, under RSA 91-A: 4 (legal purposes) all files contained in either paper, electronic, or in audio/visual form. The Board acknowledged the letter but stated all Gravel Pits is under the regulatory of the Planning Board.

Any Other Business Which May Come Before This Meeting:

Dallas Emery, Center Ossipee questioned the setback requirements on Route 16. Rines explained they vary because of the various widths of Route 16.

Tim Otterbach, West Ossipee started asking a question about the corner measurement for Case #18-4-V: Ossipee Mountain Grille, LLC. Owner – Tony Ouellette at 1625 Route 16. Brothers stopped the questioning because the applicant was not present to represent himself.

Adjournment:

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

All voted in favor, motion passed. The meeting adjourned at 7:56 p.m.

Next Meeting: May 8, 2018 @ 7:00 pm

Minutes approved by majority vote of the Board on:

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