

OSSIPEE ZONING BOARD

Meeting Minutes

December 11, 2018

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

Call to Order: Ralph Wurster called the meeting to order at 7:00 p.m. and instructed everyone in attendance to put their cellphones on mute.

Members Present by Roll Call: Ralph Wurster, Ed MacDonald, Roy Barron, Daniel Fischbein, Sandra “Sam” Martin and Steve McConarty, ZEO. **Absent:** Jim Rines, and Stanley Brothers

Vice Chair, Ralph Wurster noted pending an official letter of resignation, he considers Stanley Brothers still a member of the Board. Wurster subsequently raised alternate, Daniel Fischbein up to voting status in place of Jim Rines and raised alternate, Sandra “Sam” Martin up to voting status in place of Stanley Brothers.

Meeting Minutes:

The Board reviewed the ZBA meeting minutes of November 13, 2018. Wurster noted a correction on page 2, which should read, “the area have a/c unit on the ground ***versus*** having to elevate their unit” and “whole house generator as ***stated*** on the plan”...

A **Motion** by Barron to approve the minutes of November 13, 2018 as amended. Fischbein seconded. No further discussion. Martin abstained. All others voted to approve as amended. **Motion passed.**

Financial:

- Budget Reports: 11/01/2018 – 11/30/2018 - The Board reviewed the budget. Wurster and Martin briefly discussed if the health and life insurance is paid by the end of this fiscal year.

Unfinished Business: Wurster explained currently the board is working under and following the Rules of Procedure from 1994. Revisions must be approved before the amended Rules and Procedures can be acted upon. Wurster read and explained currently under the 1994 Rules of Procedure:

“Amendments - These rules of procedure may be amended by a majority vote of the members of the board provided that such amendment is read at two successive meetings immediately preceding the meeting at which the vote is to be taken.”

Since the rules of procedure were not read at the previous meeting, they can be read at this meeting and January meeting and voted on at the February meeting. The final changes were distributed to each member of the Board and are listed on the agenda.

Revision to Rules of Procedure: **Strike/Remove** is in **Red** and **Additions** are in **Blue**.

Finalize revisions were reviewed and discussed.

Pg. 1 - Change under section: Officers - #3 - the “**Secretary**” to “**Recording Secretary**” since this Board has never had an actual elected Board Secretary. (Recommend changing to “Non-Voting Secretary” to capture all secretarial duties performed but have non-voting abilities.) The Board discussed and agreed to change under section Officers #3 to, ***“The **Non-Voting Secretary** shall maintain a record of all meetings, transactions and decisions of the Board, and perform such other duties as the Board may direct by resolution.”***

- Pg. 3 – section Public Notice #2: C – “verified mail to the **applicant (property owner), representing agent, Strike - (if applicable) and all abutters, (ADD) and all property owner/s within a 200 ft. radius...**
- Pg. 4 - In 1994, the Board voted to have the official meeting minutes be the recorded tapes. By

adopting and voting on the revisions to these Rules of Procedure – the Official meeting minutes will be the signed summarized transcript of the meeting minutes and the recording shall be deleted.

- Pg. 5 – section Joint Meetings and Hearings #2 – “when called jointly by the **Chairperson** of each of the two boards.”
- Pg. 5 - Remove – “Format for Joint Meeting Procedures and Instructions to Applicants (Appendix B) are adapted, with thanks, from the Town of Gilford’s Rules of Procedures, September 1984.”

A **Motion** by Barron to dispense with the public reading of the Rules of Procedures since the Board has previously received the revisions, have individually read prior to the meeting, and have discussed. MacDonald seconded. No further questions. A unanimous vote was taken.

Wurster noted if the public would like a copy, we’d happily provide them with a copy.

New Business:

PUBLIC HEARING

For the following Applications

- **Case #18-16-V: Walter S. Jr. & Margo Levitsky** – 6 Old Broad Bay Rd. Tax Map: 034 Lot: 006 is applying for a Variance from Article 6.4.1.A, 6.4.2.A & 23.3.2 – Front & Side Setbacks Requirements and Making a Non-Conforming Structure More Non-conforming for House Expansion & Adding an Attached Garage. (Case continued from 11/13/2018)

Mark and Jacob McConkey were here to present updates for the case on behalf of Mr. & Mrs. Levitsky. Mark reported that Mr. Cash, (who previously questioned losing his view), the builder and he inspected the property. The builder provided a visual for determining if Mr. Cash would lose any view. Mark next read a letter of support from Mr. Cash.

Barron commented on not being notified when everyone was going to be present for the inspection. Fischbein asked for more details on the height of the new ridge, which Mark noted is 7.5 ft. higher than the existing ridge. Wurster questioned if relocating the garage was ever broached. Mark noted accommodations have been made in the designs for additional parking, as to not block the road. Review of the plot plan ensued.

A **Motion** by Martin to grant a variance for **Case #18-16-V: Walter S. Jr. & Margo Levitsky** – 6 Old Broad Bay Rd. Tax Map: 034 Lot: 006 from Article 6.4.1.A, 6.4.2.A & a Special Exception from Article 23.3.2 – Front & Side Setbacks Requirements and Making a Non-Conforming Structure More Non-conforming, with condition that all Federal, State and Local Regulations shall be followed. Barron seconded.

Discussion on whether the Special Exception was properly noticed. McConkey and the Board agreed to follow up on the Special Exception at the next meeting.

Vote by Criteria:

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

Fischbein – Yes Barron – Yes MacDonald – Yes Wurster – Yes Martin – Yes

2. The spirit of the ordinance is observed because:

Fischbein – Yes Barron – Yes MacDonald – Yes Wurster – Yes Martin – Yes

3. Substantial justice is done because:

Fischbein – Yes Barron – Yes MacDonald – Yes Wurster – Yes Martin – Yes

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

Fischbein – Yes Barron – Yes MacDonald – Yes Wurster – Yes Martin – 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) Fischbein – Yes Barron – Yes MacDonald – Yes Wurster – Yes Martin – Yes

(aii) Fischbein – Yes Barron – Yes MacDonald – Yes Wurster – Yes Martin – Yes

Vice-Chairman Wurster announced the **motion passed**. The Variance has been granted. There is a 30 days appeal process of the ZBA decision, which starts tomorrow morning. The Selectmen or any party to the action or any person directly affected has a right to appeal this decision.

McConkey provided a copy of the public notice illustrating the Special Exception for 23.3.2 was noticed properly. The Board subsequently agreed to approve the Special Exception as well.

Notice: Wurster read the Town of Ossipee Christmas Celebration to be held on Monday, December 24 at 12 noon at the Town Hall.

Any Other Business Which May Come Before This Meeting:

No other business was presented.

Adjournment:

A Motion by Barron to adjourn the meeting. Fischbein seconded. No discussion. All voted in favor, **Motion passed**. The meeting adjourned at 7:52 p.m.

Next Meeting: **January 08, 2018 @ 7:00 pm**

Minutes approved by majority vote of the Board on:

Stanley Brothers, Chairman

Date

Or

Ralph Wurster, Vice Chairman
(In the absence of the Chairman)

Date