

**TOWN OF OSSIPEE**  
**ZONING BOARD OF ADJUSTMENT**  
Meeting Minutes  
**May 09, 2023**

Minutes have been recorded by and summarized by Laura Nash, Boards & Commissions Secretary and are deleted once the written minutes are board approved; any amendments to the minutes are noted in ***bold & italic*** type.

**Call to Order:** Dan Fischbein called the meeting to order at 7:00 p.m. and requested all cellphones to be silenced.

**Pledge of Allegiance:** was recited by all in attendance.

**Roll Call:** Daniel Fischbein, Roy Barron, Dallas Emery, Daniel Karl and Jonathan Smith, (Zoning Officer)

**Absent:** Jim Rines

**Meeting Minutes:**

- Review to Approve Meeting Minutes of April 11, 2023

Emery noted a couple of corrections starting on page 3, there was a missing word “he’s ***sure*** not if the Board is waiting...” also on page 5, “Board looking because he feels as” should state “Board looking ***for*** because he feels as”

Fischbein noted on page 1, “he is sworn in before ***ethe*** next meeting.” Should state, “he is sworn in before ***the*** next meeting.”

Fischbein noted on page 3. “shows a proposed by Tumnus” should state “shows a proposed ***via*** Tumnus”

Fischbein noted on page 5, “change on his plans because the con Board’s consensus” should state “change on his plans because ***the Board’s*** consensus

Fischbein noted on page 8, “Bryan Berling of Land Technical.” should state “Bryan Berling of Land ***Tech.***” also on page 8, “Emery inquired and Mar McConkey confirmed” should state “Emery inquired and ***Mark*** McConkey confirmed”

A **Motion** by Emery to approve the minutes of April 11, 2023, as amended. D. Karl seconded. No discussion. All others voted in favor. Roy Barron Abstained since he was not sworn into office at the time. **Motion passed.**

**New Business:** Chairman Fischbein moved onto the first case.

- **Case #23-02-V:** Brandon Greene & Jessica Badger of 50 Deer Cove Rd. Tax Map: 044 Lot: 085 is seeking a Variance from the front (40 ft.), side (25 ft.) and rear (25 ft.) setbacks requirements per table 2 per Zoning Ordinance Article: 6.4.1 (a) front setback area/proposed NE corner 29 ft./NW corner 31ft. Article: 6.4.2 (a) side setback area/ proposed NW corner 15 ft. 3in., and Article: 6.4.2 (b) rear setback area/ proposed SE corner 32 ft. 6in./SW corner 34 ft. (Case Continued from March 14, 2023 and April 11, 2023)

Jonathan Smith asked Chairman Fischbein to advise the attending applicants, agents and public that since they do not have a full Board, Chairman Fischbein informed “***The Applicant (under RSA 674:33) – noting since there is not a full 5-member board, with no alternates to serve. 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.***” The applicant and/or agent is requested to state if they wish to proceed or they can request a continuance to a date certain.

Mark McConkey presented a Letter of Authorization to represent and speak on behalf of Mr. Brandon Greene. Mark McConkey gave a brief history of his experience on previous ZBA Boards. Mark McConkey explained that Mr. Greene listened to comments made by abutters. They have narrowed the home by 2 feet and now meets both side setbacks and the rear setback and just misses the front setback. Now they are only requesting a variance from Article 6.4.1 (a) Front setback.

Mark McConkey noted there was a lot of discussion prior of what the neighborhood looks like and how this proposed structure would compare. Mark McConkey explained using the tax cards from the towns website and compared six lots either directly across or to either side of the proposed lot. They identified the homes by map and lot numbers and street numbers. Fischbein inquired of the age of the homes. McConkey stated approximately 1940's – 1950's.

MAP/LOT	LOT SIZE (acres)	DISTANCE FROM EDGE OF ROAD	STRUCTURE SIZE	OWNERS NAME	STREET ADDRESS
44/60	N/A	12.07 ft.	1,848 sq. ft.	ABBO'TT	58 DEER COVE
44/82	0.21	37.45 ft.	1,414 sq. ft.	LICATA	2 SOUTH SHORE
44/83	0.31	22.79 ft.	1,276 sq. ft.	O'NEIL	54 DEER COVE
44/84	0.20	60.58 ft.	920 sq. ft.	SMITH	52 DEER COVE
44/86	0.53	45.25 ft.	1,632 sq. ft.	MARTINELLI	5 BLUFFS BLVD
44/87	0.51	47.36 ft.	1,343 sq. ft.	STANLEY	3 BLUFFS BLVD
44/47	0.84		sq. ft.	LICATA	49 DEER COVE
Average Lot Size	.433 AC		Average Structure Size/6 =	1405.5 sq. ft.	

McConkey noted with the average lot size being .433 acres and Mr. Greene's lot size is 0.2 acres which means his lot is one of the smaller lots. McConkey next addressed the distance each home sits from the edge of Deer Cove Rd. and not having the benefit of each properties survey. McConkey using a Bosch Camera Laser Measurer and measured the distance from the edge of the road to the closest corner of each home and took a photo of each properties reading (document enclosed). McConkey read the readings for each property resulting in the Average Distance of: 37.58333333 ft. from the edge of the road. The Proposed Greene Property is: 34.5 from plan +/-, for a Difference: 3.083333333 ft. and this is the amount being requesting for the variance of the front setback.

McConkey next addressed the size of the proposed structure compared to the structure size of each property charted above. The resulting average structure size divided by 6 = 1,405.5 sq. ft. and the proposed Greene home is 1,376 sq. ft. for a difference of 29.50 sq. ft. confirming it's smaller than the average structure size in the neighborhood. McConkey stated he presented these figures because he's going to reference them during the five criteria's.

Emery needed clarification on the 34.5 ft. McConkey pointed out the closest is 25 ft. from the edge of the road. McConkey clarified he would be able to determine the size of the structure if he did not take the measurement from the edge of the road leaving about a 17 ft. difference, which is why they are requesting a variance for the front setback. Chairman Fischbein called for any further discussion from the Board. With none McConkey proceeded to read through the five criteria's. Chairman Fischbein asked if McConkey had copies of the five criteria's because they're different from the originals. The interim secretary made copies for the Board members. McConkey proceeded to read through the five criteria's.

Chairman Fischbein called for public input.

Reed Heath, Realtor from Madison; questioned if the applicant has the option to wait for a full Board; does the public have the same option? Chairman Fischbein stated no. Mr. Heath question hardship of the land. Recalling statements made at the prior meeting by Jim Rines noting the land is not the hardship because Mr. Greene bought the land knowing it was small but is trying to build too large of a structure to fit in the envelope of the property. Mr. Heath made suggestions on how to shrink the size of the structure to fit within the setbacks. McConkey noted the 25 ft. reference is to the edge of the road not to the edge of the property. Mr. Heath continued to dispute the distance from the property line to the corner of the house and accused McConkey of twisting words. McConkey requested to address this issue of Mr. Heath's and others in attendance.

McConkey stated, I choose not to go back and forth, but I will want to take care of this now before we get others jumping up. We have a survey plan. Survey plan calls for the closest point of this structure to be 25 ft. The variance we are requesting is for 25 ft. My point is on the distance from the edge of the road is for the passerby, the neighbor driving by, walking by, when they view it from the edge, they're going to see that homes are located at those distances. We have a survey. You know what that distance was. It's nothing more than providing a point of view, which it said in my in my five criteria's for the passerby going. The hardship, There's two sets of variances. It could be the hardship of the land or the second standard which he's referring to and is their position, is that the applicant only needs one variance, and when you can't meet the requirements of the zoning ordinance, you have the right to come before the zoning board which is a quasi-judicial board. The Board will decide and will fare it through the comments and decide what makes sense to the Board and what you're expecting. So, thank you but I'm not going to go back and forth.

Mr. Heath stated, "That's word Smithing. It's 25 feet from the property line, the ordinance is 40 feet from the property line. It's 37 feet from the other side. The ordinance is 40 feet. This house can be turned and shrunk. These folks bought this land because they wanted to break our ordinance. It wasn't like they've owned it for 100 years.

Fischbein stated, I don't they think they were trying to break the ordinance.

Mr. Heath continued; well, they're trying to break the **ordinance** right now asking for a variance for. For something that is not a hardship.

Scott Martinelli of 5 Bluffs Blvd. and has owned the property for 20 years. Spoke on the square footage and distance from the road of each home referenced, noting that the clear line of site during the summer months with shoulder brush creates a very confining line of site. With the variance requested brings the proposed structure that much closer to the road, or if someone is backing out of the driveway could potentially hinder the line of sight and should be looked at from a traffic study aspect. Discussion ensued over driveways and line of sight.

Point of Order from Jonathan Smith, who noted the line of sight is determined by the Public Works Director or Public Works Foreman who are responsible for issuing driveway permits and determining safe access to and from the property. They are not responsible for the house location. They ensure the turn is not too steep and there are no obstructions i.e.. Boulders, shrubs, etc....

Chairman Fischbein noted if there was an issue the Public Works Foreman would not have issued the driveway permit. Jonathan Smith replied, correct. Chairman Fischbein asked Mr. Greene if **he** has the driveway permit. Mr. Greene stated that the Public Works Foreman did come and look at the location and will return when the driveway is complete but he had no issue with it's location.

McConkey concluded his presentation by stating they would be happy to **accept** the driveway approval as a condition. McConkey referenced the gentleman, who spoke of two-story structures and being extra square footage and referred to the document submitted to the Board, which showed how the square footage was

determined. If the structures had a basement or a second floor it was not factored into the calculation.

Emery questioned the percentage of impervious surface. Jonathan Smith noted that Mr. Greene is under 23%. Chairman Fischbein confirmed it's 23.1%. Barron commented that Mr. Greene has adjusted his plans a whole lot in the past two months.

Chairman Fischbein closed public input.

McConkey enclosing stated they have listened to the neighborhood, they have adjusted the size of the house down by a couple of feet, they have made it conform to three of the four setbacks, and are looking for relief on the front setback for 25 ft. and by referring to the substantial relationship between the general public's purpose of the ordinance, the specific application and the revision of the property which removes the discussion, that they needed to prove there was something wrong with the land in order to get the variance. This is a change in discussion from the previous two months.

Barron reminded Chairman Fischbein, who confirmed if they receive one "No" vote the application would fail. Chairman Fischbein inquired of Mark McConkey, if they wished to move forward with not having a full Board. McConkey stated they wished to proceed with the voting.

Chairman Fischbein moved to voting on the five criteria's.

**Vote by Criteria: *Fischbein*** read each criteria.

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

Karl – Yes      Emery – Yes      Barron – Yes      Fischbein – Yes

**2. The spirit of the ordinance is observed:**

Karl – Yes      Emery – Yes      Barron – Yes      Fischbein – Yes

**3. Substantial justice is done:**

Karl – Yes      Emery – Yes      Barron – Yes      Fischbein – Yes

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

Karl – Yes      Emery – Yes      Barron – Yes      Fischbein – 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:**

Karl – Yes      Emery – Yes      Barron – Yes      Fischbein – Yes

**(A) Owing to the special conditions of the property, set forth above, that distinguishes it from other properties in the area:**

**(i) 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:**

ai) Karl – Yes      Emery – Yes      Barron – Yes      Fischbein – Yes

**AND**

**(ii) The proposed use is a reasonable one because:**

(aii) Karl – Yes      Emery – Yes      Barron – Yes      Fischbein – Yes

Chairman Fischbein announced the **motion passed**.

Vice-Chairman Barron ***Noted: The Selectmen, any party to the action or any person directly affected has a right to appeal this decision within 30 days. To avoid lapsing of the approval, there should be substantial construction or liability within 2 years of the decision. See New Hampshire Revised Statutes Annotated, Chapter 677, available at the Ossipee Town Hall.***

- **Case # 23-03-V:** Dwight & Rosa Rumery c/o Rumery Family Trust - Agent: Mark & Jake McConkey of 16 Danville Rd. Tax Map: 020 Lot: 016 is requesting a Variance from Articles: 6.4.1 (a) for Front setback, Article 6.4.2 (a) for side setback, Article: 6.4.2 (b) rear setback and Table 2 lot coverage maximum of 25% where 27.94 % is proposed to construct a new septic system, demolish the existing home and construct a more conforming home. (Case Continued from April 11, 2023)

Mark McConkey requested a continuance until the June 13, 2023 ZBA meeting. The Boards and Commissions secretary, Laura Nash had received a letter via email requesting a continuance until the June 13, 2023 ZBA meeting earlier today and was distributed to the Board members and interim secretary, Angela Eldridge prior to tonight's meeting.

A **Motion** by Emery to Continue **Case # 23-03-V:** Dwight & Rosa Rumery c/o Rumery Family Trust 16 Danville Rd. Tax Map: 020 Lot: 016 until the June 13, 2023, ZBA meeting at 7:00 pm here at the Freight House, Center Ossipee. Barron seconded. No discussion. A unanimous vote was taken. **Motion passed.**

- **Case # 23- 04-V:** Laurianne & Brian Bennett of 47 Effingham Rd. Tax Map: 248 Lot: 010 Sub: 001 is requesting a Variance from Article: 6.4.2 (a) – Side Setback per Table 2 for an After the Fact High Tunnel approximately 10 ft. from the side setback that was previously installed by the USDA. This property will require a Site Plan Review if the Variance is granted.

Zoning Officer, Jonathan Smith, provided the background for the case. Smith stated Ms. Bennett wants to do an agritourism business on her farm. It's allowed under state law but this is not the place to discuss all the details for it. In the process of reviewing the property for the future Site Plan Review, Smith noticed the high tunnel was close to the property line. Smith did a site visit with Ms. Bennett, who was diligent and found the survey pins. It was determined the that the high tunnel is closer to the setback than what is recorded on the denial letter for the variance request. Laurianne Bennett noted the NE side is 5.6 ft., and the West side is 10.6 ft. from the boundary line.

Laurianne Bennett stated that UNH and the USDA representative helped determined where to place the high tunnel but it does not excuse her ignorance of not knowing where her boundary lines are located prior to placement. Bu it was not intentional by any means. Laurianne Bennett explained what a high tunnel is for the Board and it's part of a contract she has with the UNH, NRCS and USDA to reclaim the soil that was damaged years ago. Barron asked when it was put up. Laurianne Bennett explained they were put up in 2019, but someone from the audience stated that's not right.

Barron thought the setbacks were just changed this past year. Smith stated that temporary structure are to meet all setbacks. Laurianne Bennett provided pictures for the Board to review, while Smith and Barron discussed the zoning ordinances. Smith noted the definition was place in the ordinance in 2018 and amended in 2023. Barron commented he was trying to remember when that was put in because there was a previous Chairman who pushed for that to be put into ordinance.

Smith explained that Laurianne Bennett wants to go for a Site Plan Review but she cannot have a violation of an ordinance on a Site Plan Review, which is why she is coming in for the variance. Discussion ensued.

Chairman Fischbein inquired of the size of the high tunnel. Laurianne Bennett stated it's 30 ft. x 48 ft. D. Karl

inquired where the pins are located. Laurianne Bennett pointed out on an update map the location of pin #1 is at 265° and pin #2 is at 85° East. Smith stated he had informed Laurianne Bennett she would need to have the property surveyed or find the location of her pins to determine the actual boundary lines. That's when it was determined she is not 13 ft. but is actually 5.6 ft. on the NE corner and 10.6 ft. on the West corner from the boundary line. Smith noted his denial letter was based on the online mapping which is not correct. Which is why Smith informed Laurianne Bennett she would need to have the property surveyed or find the location of her pins to determine the actual boundary lines. Laurianne Continued to point out the markers from her map to the Board. Chairman Fischbein noted he was at the farm earlier but the gate was locked. Laurianne Bennett reported they recently had an ATV stolen. General and numerous discussions ensued while Chairman Fischbein and Laurianne Bennett discussed issues with UNH's soil testing.

Two people from the audience interrupted stating they thought this was a public hearing and they cannot hear what is being discussed.

Barron stated they are trying to figure where on the map everything is located because it's an odd shaped property and they will be back with the public shortly.

Susan Budzinski stated it was originally a 45-acre lot the Downing's had bought and when Jeff's daughter got married, they gave a her a parcel and a parcel to Scott Downing. So, to meet the requirements for a driveway is how the parcel was divided.

Chairman Fischbein showed the public the revised map and discussion ensued over the strangeness shape of the property.

Diane Munroe of 65 Effingham Rd. (abutter), her family has been on this land for 90 years; if this hearing was just for the high tunnel structure. Barron confirmed it's only for the high tunnel.

Charles Pearson of 50 Effingham Rd. if this structure was built 2-3 years ago, why was the Code Enforcement Officer just down looking at it **now**. Jonathan Smith, ZEO explained further from the beginning of the meeting that Ms. Bennett wants to do some agritourism on the property and as part of his job is to research if it's permitted at this location, which it is allowed by right under state law. Part of the approval process is she will need a Site Plan Review. Site Plan Review documents everything on the property, all the eternal use the buildings, locations, and structures. So, as part of reviewing the online mapping you can see that the structure was very close to the property line. Smith conducted a site visit and spoke with Ms. Bennett about either having a survey done or finding her boundary pins, which she did and it's showing the structure to be 5.6 ft. on one corner from the boundary line and that's what brought his attention to the discrepancy.

Susan Budzinski inquired if this is based on agritourism as a business property setbacks or residential setbacks. Smith informed her the Town setbacks is based on zones. This property is zoned Rural, so the side setback is set at 25 ft., front setback is 40 ft. off the road and 25 ft. off the rear setback. So, it does not **differ between** business or residential.

Charles Pearson inquired why didn't they apply when it was first being installed. Smith commented that a lot of people install things without permits and eventually they get caught.

Laurianne Bennett explained as she was working with these UNH, NCRS, and USDA; they come for a walk through the property to determine the best location for the high tunnel based on the sun exposure, and she apologized.

Bobby O' Blenes commented she just started apologizing about two weeks ago when all of sudden this was ... Laurianne Bennett interrupted stating that's when she found out about the setback requirements. Multiple conversations ensued. Laurianne Bennett stated that it was not intentional and that's why she came to

personally apologize. Bobby O' Blenes continued noting it has doors that swing out towards his property and if they have to bring a piece of equipment around to the back, they would be driving on his property and it land slopes down onto his property.

Barron noted if she is granted the variance she would not be allowed to go his property without permission anyways. Bobby O' Blenes commented she knew she had boundaries when she moved in there. Barron said she did not realize it and it was an honest mistake and to stop beating a dead horse. Multiple comments being made but Bobby O' Blenes stated she needs to be a responsible property owner.

Karen Cross formerly Karen Dowing of 45 Effingham Rd., her son (Scott) formerly owned what is now the Bennett property. When the Bennett's bought the property in March or April of 2020, either before or after the closing, Brian Bennett asked Scott Downing to walk the property line with him, which was done. So, the Bennett's did know where the boundary lines and the pins were located. Laurianne Bennett did want to respond but multiple discussions ensued until Barron informed the attendees that their questions are to be directed to the Chairman and that the discussion is getting out of hand and the determination is up to the Board members.

Chairman Fischbein inquired if the door is a single door according to the picture or is it a double door as Mr. O' Blenes noted. Chairman Fischbein inquired and Laurianne Bennett confirmed that the pond is on her property.

Barron inquired of Mr. O' Blenes how long was he aware that the high tunnel was close to the property line. Bobby O' Blenes noted ever since it was being put up. Barron asked if he complained at that time. Bobby O' Blenes noted his wife works at the Town Hall and works with these people. Jessi O' Blenes stated there was a different Building Inspector at the time and it was mentioned to him about being too close to the boundary line. The Building Inspector stated he would look into it and it seemed to fall to the weigh side.

Chairman Fischbein inquired again how long has the high tunnel been in place. Laurianne Bennett corrected her initial statement from 2019 to 2021 when the contract was signed.

Barron inquired and Laurianne Bennett confirmed there is already stuff growing in the high tunnel. Barron inquired of Jonathan Smith, whether it's appropriate to ask or not, but if the Board denied the variance application and the abutter's did not object, would the Bennett's be allowed to finish the growing season and relocate the high tunnel afterwards. Smith had no issue with that because he had not received a complaint, it was detected when inquiring about agritourism and the need for a Site Plan Review.

Barron commented as Jessi O' Blenes pointed out it was brought to the attention of a previous Building Inspector but it was not taken care of properly. Barron continued commenting he understands the frustration on both sides but he does not want to create any further hardship if she losses her crops or damages the high tunnel in the process of having to move the high tunnel.

Jonathan Smith noted the Bennett's want to pursue an agritourism business with a Site Plan Review. She would not be able to do that unless she gets the variance or she moves the high tunnel. The Board agreed. Multiple conversations started again.

Susan Budzinski requested to speak; Chairman Fischbein granted. Susan Budzinski commented she would not want Laurianne Bennett to lose her crop, but this is a hoop house and she could easily take a couple of hoops off the back of the house, move it to the front of the house in order to increase the setback distance.

Barron understood the intention but also suggested waiting to move the high tunnel until after growing season as suggested earlier. The Board is trying to see what can be legally done because ideally it should have been addressed two years ago when it was being put up. Barron noted it's no fault of Laurianne Bennett that it was

not addressed two years ago. But she is legally responsible for the mistake.

Chairman Fischbein inquired when is the Site Plan Review going before the Planning Board. Jonathan Smith stated it can't, she cannot even apply until she either gets the variance or moves the high tunnel within the setbacks and would no longer require a variance. Multiple conversation ensued again.

Marsay Pearson questioned if Laurianne Bennett is approved for the variance; how does she move forward on agritourism and there's no definition of it. Jonathan Smith addressed the Chairman noting this question is not relevant to this case. But Marsay Pearson agreed it's not relevant to this case but it is relevant to all these neighbors. Chairman Fischbein and Jonathan Smith stated it would have to be addressed at the Planning Board, once you received your notifications of the date and time of the public hearing. Marsay Pearson asked who decides what agritourism is? Jonathan Smith stated the state determines it and this discussion is not relevant to this Board. Chairman Fischbein and Barron stated it is not relevant to the ZBA and only the Planning Board will set the rules. Jonathan Smith tried to explain that there is a state RSA that defines what agritourism is and it states that Town's shall allow agritourism. The legislature passed the law in 2016, but the Towns do not have the discretion of say under the RSA, the Towns have to allow it. Jonathan Smith offered to meet with them on Thursday when he is in the office and will share all the legal correspondence on this topic but for the sake of time this is not the place to discuss this topic.

Barron decided to shut down the discussion on this topic and Chairman Fischbein agreed.

Barron reminded Laurianne Bennett that as ***"The Applicant (under RSA 674:33) – she is entitled to a 5-member board. Noting since there is not a full 5-member board, with no alternate's to serve. 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."***

If any member votes "No" on any one of the criteria's; the application is denied and there is no re-applying. The applicant and/or agent is requested to state if they wish to proceed or they can request a continuance to a date certain. Laurianne Bennett asked when would be the next meeting. Chairman Fischbein noted it would be June 13<sup>th</sup>, 2023.

Chairman Fischbein asked how much does she have planted. Laurianne Bennett noted she has all her cold crops and herbs. She has already put so much money in that spot to restore the soil that it will create a hardship if she has to move it. Chairman Fischbein asked Jonathan Smith, who confirmed the high tunnel is approximately 1-2 ft. from the driveway. Multiple discussions ensued while Barron walked around showing the audience pictures Laurianne Bennett brought of the farm for the Board. Chairman Fischbein and Laurianne Bennett discussed other outbuildings on the property namely a shed that houses her chickens, the inground beds, and the reasoning for placing the high tunnel on that side of the driveway due to sun exposure. Multiple conversations ensued again. Several Board members called Barron back to table, who said he just wanted to show them the pictures.

Barron stated the next step is to read through the criteria's or request a continuance until there is a full Board. Laurianne Bennett requested a continuance so 1. Her husband can be in attendance and also address the issue of... Barron advised that her answers to the five criteria's are not very good.

Barron and Chairman Fischbein opened public input for final comments.

Bobby O' Blenes, Jr. inquired how the land was damaged because it use to be all pasture. Laurianne Bennett stated she was told that years ago someone was going to put housing in and had all the top soil removed. Karen Downing explained prior to them purchasing the land; a man had bought all the land and was going to put in a development but it was never approved and he had stripped of a lot of the top soil from the land.

Multiple discussions ensued again. Barron asked to please address the Board.

Someone asked referring to the map; what is construction site 2? Chairman Fischbein noted that question is for the Planning Board.

A **Motion** by Barron to Continue **Case # 23-04-V**: Laurianne & Brian Bennett of 47 Effingham Rd. Tax Map: 248 Lot: 010 Sub: 001 seeking a Variance from Article: 6.4.2 (a) – Side Setback per Table 2 for an After the Fact High Tunnel noted to be 5.6 ft. from the NE corner and 10.6 ft. on the West corner of the side setback until the June 13, 2023, ZBA meeting at 7:00 pm here at the Freight House, Center Ossipee. Chairman Fischbein seconded. No discussion. A unanimous vote was taken. **Motion passed.**

Someone from the audience asked about the case going before the Planning Board. They were again told she cannot submit a Site Plan Review application until the variance is approved or she moves the high tunnel to meet the setbacks. Laurianne Bennett has requested a continuance until June 13<sup>th</sup>, 2023 and everyone is invited back at that time.

General and multiple discussions ensued.

**Old Business:** N/A

**Any Other Business Which May Come Before This Meeting:** None heard.

**Next Meeting:** June 13, 2023 @ 7:00 pm at the Freight House

**Adjournment:**

A **Motion** by D. Karl to adjourn the meeting. D. Fischbein seconded. No discussion. A unanimous vote was taken. **Motion passed.** The meeting adjourned at 8:40 p.m.

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

_____	_____	Or	_____	_____
Daniel Fischbein, Chairman	Date		Roy Barron, Vice-Chair (In the absence of the Chairman)	Date