

OSSIPEE PLANNING BOARD
MEETING MINUTES
November 5, 2019

Minutes have been recorded to be summarized by Laura Nash, Planning Board Secretary; any amendments to the minutes are noted in ***bold & italic*** type.

REGULAR PUBLIC MEETING

Call to Order: Connie Billings called the meeting to order at 7: 00 PM.

Pledge of Allegiance: was recited by all in attendance.

PB Attendance by Roll Call: – Connie Billings, Roy Barron, Bruce Stuart, Time Otterbach, Sharon “Sharie” Cohen, and Alternate- Krystal Eldridge.

Absent: Peter Zavas, Sue Simpson (Select. Rep), and Steve McConarty.

Public Input: Billings called for public input unrelated to any case being presented. None was heard.

Informal Discussion:

Billings informed “per RSA 676: 4 (II) (a) – *Are non-binding on either the applicant or the board and statements made by planning board members shall not be the basis for disqualifying said members or invalidating any action taken, thereof.*”

- Ed and Tina Nason: 10 Route 25 East, Tax Map: 086 Lot: 027 – presented to pitch their idea of possibly buying the residence and re-opening a sub shop in the former R&L Subs shop location. The Board informed them since the property has been closed for more than two years, they would need to apply for a Site Plan Review (Minor). If there is a site plan on file, they may only need a Site Plan Amendment. But they are to contact the secretary for assistance.

- SmartLink, LLC c/o AT&T Wireless – owner is Crown Castle of 88 Walker Hill Rd. Tax Map: 252 Lot: 022 to install a 15ft. extension of the existing wireless facility.

David Walsh and Kevin D’Auteuil presented the plans of expanding the cell towers on Walker Hill Rd. Billings noted with Steve McConarty absent tonight they’re in a quandary without his input. But, Billings informed Walsh and D’Auteuil that Ossipee does have zoning ordinances regarding telecommunications. Walsh presented the plan for an expansion of a 15 ft. x 23 ft. slab for a generator and equipment, locked cabinets for sound proofing and the area will be fenced. The current height of the tower is 126 ft. with an extension to 137 ft.

The Board informed Walsh and D’Auteuil that under 100 sq. ft. will require a Minor Site Plan Review Amendment. Regulation requirements under Zoning Ordinance **17.4 DIMENSIONAL REQUIREMENTS**, “*Class 4. New Tower construction or tower expansion – applicable to tower facilities used primarily for purposes of establishing a coverage service facility.*

b. Height. The requirements set forth in this section shall apply only to Telecommunication Facilities and shall preempt all other height limitations required by the Town of Ossipee Zoning Ordinance, etc...”

Billings refer to the letter from Kristen DeLuc, Real Estate Specialist for SmartLink, LLC implying the Town had no choice but to allow the construction under Section 64.09. But Billings stated they may have allowed the construction, but it will be in accordance to the Town's Zoning Ordinances and Site Plan Regulations. Walsh and D'Auteuil state that Kristin DeLuc is no longer with the company and they are picking up where she left off.

Meeting Minutes: Review to approve Meeting Minutes of 10/15/2019.

A **Motion** by Billings to approve the minutes of the October 15, 2019 Planning Board meeting as submitted. Barron seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed.**

Chairman Billings raised Alternate - Krystal Eldridge up to voting status in place of Peter Zavas.

Unsatisfied Conditions: (continued from previous PB Mtgs):

- See separate sheet with details. (No updates)

PUBLIC HEARING

New Business:

- **Case #19-2-EERP:** John W. Jeddrey of 16 Polly Crossing Rd. Tax Map: 244 Lot: 002 is requesting an Earth Excavation and Reclamation Permit for the allowance of an un-reclaimed area be allowed to exceed 5 acres (in accordance with Excavation Regulation 5.3) of excess land area for stockpiles, equipment and mining. Representing agent Bryan Berling of Land Tech (Continued from 10/01/2019)
 - Request for Waiver from Excavation Regulation 5.1 O of Scale of 1in.= 50 ft. to allow 1in.= 60 ft. and the AoT Permit Application for phase 4 expansion of the gravel pit.

Billings started the discussion by clarifying the issue of reclamation of ledge areas. Barron obtained two interpretations concerning reclamation of ledge areas. Billings noted the ledge areas do not need to be reclaimed but there needs to be areas for water runoff. Stuart noted per his conversation with NHDES it does not mean a whole infiltration system but could be collection point at the ledge site itself. Barron indicated per his conversations neither party indicated a catch basin was required for water run-off because the ledge does not erode so it's exempt. Billings commented that he and John Jeddrey have already discussed the situation. Barron inquired when was this discussed. Billings replied tonight when they were talking. He asked him some questions. Jeddrey spoke to Bryan Berling about it and it has been incorporated into the reclamation plan.

Bryan Berling represented the plan to the Board and gave an update on the AoT permitting status. Discussion ensued and continued from the prior planning board meeting on where the catch basins are located, the ledge areas, infiltration systems, crushing processing area, stockpile areas, and how many total acres are they requesting. Jeddrey and Berling presented copies of RSA 155:E (5) and are asking for Board to:

1. Formal ruling that the 4 acres of exposed ledge does not need to be reclaimed
2. Exposed ledge does not need reclamation

Otterbach asked for clarification on the area to be reclaimed from Phase 3 area (ledge area). Berling noted that particular area does not need to be reclaimed at this time.

3. Apply the 4 acres of bonded money from the ledge area and apply it to new application
4. To allow more than 5 acres remain as exposed working ground before it gets reclaimed

Asking to have 6.1 acres of Phase I&II remain open while mining. Of the 6.1 acres, 70% is piles and the remaining 30% is aisles and travel ways used for staging and extraction.

Billings inquired as the number of acres needed for working area. Similar to other pits by allowing additional acres for maneuvering equipment and machinery. This area would be subject to reclamation but would not be counted towards the total 5 - acres of open space per RSA 155:E.

Barron reported for the record, when he met with NHDES, they reviewed the Jeddrey file and satellite views are very pleased with his operation.

Otterbach asked if using the ledge for staging equipment is a conceivable thought. Several members and John Jeddrey indicated no because too rough and steep and damage to equipment would occur.

Billings suggested exempting Jeddrey for 3 acres of additional space. Driveways and roads are not counted towards the 5 acres opened. There would be an area open for the crushing and processing, 5 – acres of open space for operations, and 3 – acres open for roads and driveway. Currently, he has 6 - 7 acres open, of which, 4 – acres are ledge (considered reclaimed), which leaves 2 - 3 acres open. Discussion ensued. Berling demonstrated on the plan where the 2 - infiltration catch basins are located. Jeddrey is acceptable to an additional 5 acres for a total of 8 acres of open space not counting 3 – acres for roads and driveway.

A **Motion** by Barron to grant an additional 5 – acres added to the remaining 3 – acres of gravel space in the ledge area, along with the reclamation bond in place plus 2-3 acres for roads and driveway for a total of 10 acres open and the remaining money from the ledge area be moved to section 4A and they are to reclaim as they go. Otterbach seconded. No discussion. A unanimous vote was taken by show of hands. **Motion passed.**

Waivers:

1. **Section 5.1.O** of Scale of 1in.=50ft. to allow 1in. = 60ft. of the excavation plan.

A **Motion** by Billings to grant the waiver request for **Section 5.1.O** - Scale of 1in. = 50ft. to allow 1in. = 60ft. of the excavation plan. Barron seconded. No discussion. A unanimous vote was taken by show of hands. **Motion passed.**

A **Motion** by Billings to allow the Alteration of Terrain Permit be file with this office immediately upon receipt. Barron seconded. No discussion. A unanimous vote was taken by show of hands. **Motion passed.**

A **Motion** by Billings for **Case #19-2-EERP**: John W. Jeddrey of 16 Polly Crossing Rd. Tax Map: 244 Lot: 002 Grant the request for Earth Excavation and Reclamation Permit for an additional 5 – acres added to the remaining 3 – acres of gravel space in the ledge area, along with the reclamation bond in place plus 2-3 acres for roads and driveway for a total of 10 acres open and the remaining money from the ledge area be moved to section 4A, they are to reclaim as they go. They are granted a waiver request from **Section 5.1.O** - Scale of 1in. = 50ft. to allow 1in. = 60ft. of the excavation plan and are allowed to file the Alteration of Terrain Permit with this office immediately upon receipt. All Federal, State and Local Regulations shall be followed. Barron seconded. No discussion. A unanimous vote was taken by show of hands. **Motion passed.**

Public Input:

- Robert and Laura Delnero are renting Donald Meader's property on 1830 Route 16 (former Gift Shop), are wanting to open a shoe store at this location.

Billings commented the that it was a prior retail store, it's been closed less than 6 months, and it will be a second-hand thrift shop/shoe store, which is retail. With no change in use the Board saw no need for a Site Plan Review and wished the Delnero's good luck.

- **NHDES Notice** - 10/17/2019 - received notice of conditions pending before final approval can be issued for AoT Permit for **Case #19-5-SPR**: Sias Solar Farm, owners - Buesser, Barbara S., Heckle, Katherine F. & Frederick W. IV. Applicant: GSSG New Hampshire, LLC. Representing Agent: Andrew

Kellar & Clarke Fenner of 20 Route 28. Tax Map: 124 Lot: 025 was granted a **Conditional Site Plan Review** for a proposed 3-MW solar array (12,339 modules) project.

The Board acknowledged receipt of the letter from NHDES and commented that more information is needed before NHDES will grant a permit.

- **NHDES** Land Resource Management Program Application Fee Updates - Board acknowledged.

Job Opportunities: Town Administrator

Any Other Business Which May Come Before This Meeting:

- **Bruce Stuart** questioned the whereabouts of a letter provided to John Jeddrey giving he permission to maintain Polly Crossing Road to the gravel pit which involves going over the rail system. Discussion resolved that the letter is being searched for but has not been found as yet.
- **Unsatisfied Conditions:** Discussion on setting a time limit on completing Conditional Approvals. Discussion ensued over possible options or solutions to resolving outstanding cases. New verbage was previously (added for all new cases) to all Planning Board applications which states, “**Conditional Approvals are not final until all Conditions and Federal, State and Local Regulations are met. No business is allowed to open for business on a conditional approval or without final approval from the Planning Board.**” But in order to resolve the older cases Barron suggested writing a letter to the Board of Selectmen asking them to enforce any case on conditional approval over a year old. Otterbach suggested a time limit of one year as a limit of unsatisfied conditions before asking the Board of Selectmen to enforce.

A **Motion** by Otterbach to have the secretary issue a letter to all cases outstanding for a year to come before the Planning Board and explain why they have not met their conditions. The applicant will have 30 days to respond to the letter before it will be turned over to the Board of Selectmen. Barron seconded. No discussion. A unanimous vote was taken by show of hands. **Motion Passed.**

- **Case #19-2-BLA:** Allan R. & Donna Drelick of 214 & 200 Chickville Rd. Tax Map: 242 Lot: 024 & Tax Map: 242 Lot: 027 received prepared Mylar plan for signing of the approved Boundary Line Adjustment acted upon on 10/15/2019.

A **Motion** by Billings to approve signing the mylar plans for **Case #19-2-BLA:** Allan R. & Donna Drelick of 214 & 200 Chickville Rd. Tax Map: 242 Lot: 024 & Tax Map: 242 Lot: 027 request for a Boundary Line Adjustment. Otterbach seconded. No discussion. A unanimous vote was taken by show of hands. **Motion Passed.**

Adjournment:

A **Motion** by Barron to adjourn. Stuart seconded. No discussion. A unanimous vote was taken. **Motion passed.**

Meeting adjourned at 8:25 pm.

Next Meeting & Public Hearing: **November 19, 2019 @ 7:00 pm**

Minutes approved by majority vote of the Board on – _____

Date

Conduct (Connie) Billings, Chairman